



**US Army Corps
of Engineers®**
New York District

**Passaic River Tidal Protection Area, New Jersey
Coastal Storm Risk Management
Feasibility Study**

**Final Integrated Hurricane Sandy
General Reevaluation Report
& Environmental Assessment**

**Appendix D
Pertinent Correspondence, Consultation,
and Coordination**

March 2019

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NON-FEDERAL SPONSOR'S LETTER OF SUPPORT



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
ENGINEERING & CONSTRUCTION
DIVISION OF DAM SAFETY & FLOOD CONTROL
Mail Code 501-01A

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PHILIP MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

CATHERINE R. McCABE
Commissioner

APR 02 2019

Colonel Thomas D. Asbery, Commander
U.S. Army Corps of Engineers, New York District
26 Federal Plaza
New York, NY 10278

Dear Colonel Asbery,

The purpose of this letter is to confirm the New Jersey Department of Environmental Protection's support of the "Revised Draft Integrated Hurricane Sandy General Reevaluation Report & Environmental Assessment Passaic River Tidal Protection Area, New Jersey Coastal Storm Risk Management Feasibility Study" dated January 2019.

The Department supports the recommended plan as outlined in the study and is committed to partnering with the Corps and the City of Newark to complete this important coastal storm risk management project. Additionally, we have reviewed the comments that the Corps have received from the various railroads that will be potentially impacted by the project and we are further committed to working with the Corps and the City in the coordination with the railroads through design and construction.

Should you have any further questions, please contact John Moyle, Director of the Division of Dam Safety and Flood Control at (609)984-0859.

Sincerely,

Dave Rosenblatt
Assistant Commissioner
Engineering and Construction

AUTHORIZATION LANGUAGE

SECTION 101(A)(18) WRDA 1990:

(A) *Flood control elements.* –

(i) *In general.* --The project for flood control, Passaic River Main Stem, New Jersey and New York: Report of the Chief of Engineers, dated February 3, 1989, except that the main diversion tunnel shall be extended to include the outlet to Newark Bay, New Jersey, at a total cost of \$1,200,000,000, with an estimated first Federal cost of \$890,000,000 and an estimated first non-Federal cost of \$310,000,000.

(ii) *Design and construction* – The Secretary shall design and construct the project in accordance with the Newark Bay tunnel outlet alternative described in the Phase I General Design Memorandum of the District Engineer, dated December 1987. The main diversion tunnel shall be extended approximately 6 1/2 miles to outlet in Newark Bay, the 9 levee systems in Bergen, East Essex, and Passaic Counties which were associated with the eliminated Third River tunnel outlet shall be excluded from the project, and no dikes or levees shall be constructed along the Passaic River in Bergen County in connection with the project.

(iii) *Applicability of cost sharing.*--Except as otherwise provided in this paragraph, the total project, including the extension to Newark Bay, shall be subject to cost sharing in accordance with section 103 of the Water Resources Development Act of 1986.

(iv) *Operation and maintenance.* --The non-Federal sponsor shall maintain and operate the project after its completion in accordance with the regulations prescribed by the Secretary; except that the Secretary shall perform all measures to ensure integrity of the tunnel, including staffing of operation centers, cleaning and periodically inspecting the tunnel structure, and testing and assuring the effectiveness of mechanical equipment at gated structures and pump stations.

(v) *Credit for non-federal work.*--In recognition of the State of New Jersey's commitment to the project on June 28, 1984, all work completed after such date by the State or other non-Federal interests which is either compatible with or complementary to the project shall be considered as part of the project and shall be credited by the Secretary toward the non-Federal share of the cost of the project. Such work shall include, but not be limited to, those activities specified in the letter of the New Jersey Department of Environmental Protection, dated December 9, 1988, to the Office of the Chief of Engineers. However, only the portion of such work that meets the guidelines established under section 104 of the Water Resources Development Act of 1986 shall be considered as project costs for economic purposes. In applying such section 104 to the project, the Secretary shall likewise consider work carried out by non-Federal interests after June 28, 1984, and before the date of the enactment of this Act that otherwise meets the requirements of such section 104.

(B) *Streambank restoration measures.* –

The project shall include the construction of environmental and other streambank restoration measures (including bulkheads, recreation, greenbelt, and scenic overlook facilities) on the west bank of the Passaic River between Bridge and Jackson Streets in the city of Newark, New Jersey, at a total cost of \$6,000,000. The non-Federal share of the project element authorized by this subparagraph shall be 25 percent. The value of the lands, easements, and rights -of-way provided by non-Federal interests shall be credited to the non-Federal share. Construction of the project element authorized by this subparagraph may be undertaken in advance of the other project features and

(C) Wetlands bank. --

(i) Purposes. --The purposes of this subparagraph are to evaluate and demonstrate, for application on a national basis, the feasibility of and methods of obtaining an interim goal of no overall net loss of the Nation's remaining wetlands base and a long -term goal to increase the quality and quantity of the Nation's wetlands; of restoring and creating wetlands; of developing public and private initiatives to search out opportunities of restoring, preserving, and enhancing wetlands; and of improving understanding of the function of wetlands ecosystems in order to improve the effectiveness of the Nation's wetlands program, including evaluating the functions and values of wetlands, assessing cumulative impacts and the effectiveness of protection programs, and wetlands restoration and creation techniques.

(ii) Establishment. --The State of New Jersey shall establish a Passaic River Central Basin Wetlands Bank (hereinafter in this paragraph referred to as the "Wetlands Bank") to be comprised of lands which are acquired before, on, or after the date of the enactment of this Act by the State or any other non -Federal interest and which lie within the Passaic River Central Basin, New Jersey, natural storage area discussed in the report of the Chief Engineers and the Phase I General Design Memorandum.

(iii) Use. --The Wetlands Bank shall be available for mitigation purposes required under Federal or State law with respect to non -Federal activities carried out in the State.

(iv) Compensation. --The State may receive compensation for making lands available under clause (iii).

(v) State ownership and operation. --The State shall continue to own and operate, consistent with the purposes of the project authorized by this paragraph, lands made available for mitigation purposes under clause (iii).

(vi) Acquisition of additional lands. --The State or other non -Federal interests may acquire for the Wetlands Bank additional lands which are in, adjacent to, or provide drainage for runoff and streamflows into the storage area described in clause (ii) and may use funds provided by sources other than the State for such purpose. Such lands shall include transition and buffer areas adjacent to the Central Basin natural storage wetlands and other Passaic River Basin areas, including the Rockaway, Pequannock, Ramapo, and Wanaque River watershed areas.

(vii) Credit. --The fair market value of lands acquired by the State or other non -Federal interests in the storage area described in clause (ii) before, on, or after the date of the enactment of this Act, the fair market value of lands acquired for the Wetlands Bank under clause (vi) before, on, or after such date of enactment, and the costs incurred by the State or other non -Federal interests in converting any of such lands to wetlands shall be credited to the non-Federal share of the cost of the project authorized by this paragraph.

(viii) Treatment of acquired lands. --Lands acquired by the State for the Wetlands Bank shall not be treated as a project cost for purposes of economic evaluation of the project.

(ix) Effect on other laws. --Nothing in this subparagraph shall be construed as affecting any requirements under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) or section 10 of the Act of March 3, 1899 (33 U.S.C. 403).

SECTION 102(P) OF WRDA 1992:

(p) PASSAIC RIVER MAIN STEM, NEW JERSEY AND NEW YORK.—Section 101(a)(18) of the Water Resources Development Act of 1990 (104 Stat. 4607-4610) is amended--

(1) by adding at the end of subparagraph (A) the following new clause:

"(vi) FLOOD WARNING SYSTEM. --The Secretary is authorized to establish, operate, and maintain, at full Federal expense, the Passaic River flood warning system element of the project before completion of construction of the tunnel element of the project.";

(2) in subparagraph (B) by striking "Jackson" and inserting "Brill";

(3) in subparagraph (B) by striking "\$6,000,000" and inserting "\$25,000,000";

(4) in subparagraph (B) by striking "and scenic overlook facilities" and inserting "scenic overlook facilities, and public access to Route 21";

(5) in subparagraph (B) by inserting after the first sentence the following new sentence: "The project element authorized by this subparagraph shall be carried out, in cooperation with the city of Newark, so that it is compatible with the proposed reconstruction plans for Route 21 and the proposed arts center.";

(6) in subparagraph (B) by striking "may be undertaken" and inserting "shall be undertaken";

(7) in the first sentence of subparagraph (C)(vi) by inserting after "for" the first place it appears "the purpose of assuring the integrity of";

(8) in subparagraph (C)(vii) by inserting "the additional" after "Act, the fair market value of";

(9) in subparagraph (C)(vii) by inserting "integrity of the" before "Wetlands Bank";

(10) in subparagraph (C)(vii) by inserting "and any other flood control project in the Passaic River basin" after "by this paragraph";

(11) in subparagraph (C)(viii) by striking "for the

Wetlands Bank" and inserting "in accordance with clauses (ii) and (vi)"; and

(12) in subparagraph (C)(viii) by inserting "and financial" after "economic".

SECTION 327(I) WRDA 2000:

(a) *IN GENERAL.*—The project for flood control, Passaic River, New Jersey and New York, authorized by section 101(a)(18) of the Water Resources Development Act of 1990 (104 Stat. 4607), is modified to direct the Secretary to give priority to nonstructural approaches for flood control as alternatives to the construction of the Passaic River tunnel element, while maintaining the integrity of other separable mainstream project elements, wetland banks, and other independent projects that were authorized to be carried out in the Passaic River basin before the date of enactment of this Act.

(b) *REEVALUATION OF FLOODWAY STUDY.*—The Secretary shall review the Passaic River floodway buyout study, dated October 1995, to calculate the benefits of a buyout and environmental restoration using the method used to calculate the benefits of structural projects under section 308(b) of the Water Resources Development Act of 1990 (33 U.S.C. 2318(b)).

(c) *REEVALUATION OF 10-YEAR FLOODPLAIN STUDY.*—The Secretary shall review the Passaic River buyout study of the 10- year floodplain beyond the floodway of the central Passaic River basin, dated September 1995, to calculate the benefits of a buyout and environmental restoration using the method used to calculate the benefits of structural projects under section 308(b) of the Water Resources Development Act of 1990 (33 U.S.C. 2318(b)).

(d) *PRESERVATION OF NATURAL STORAGE AREAS.*—

(1) *IN GENERAL.*—The Secretary shall reevaluate the acquisition, from willing sellers, for flood protection purposes, of wetlands in the central Passaic River basin to supplement the wetland acquisition authorized by section 101(a)(18)(C)(vi) of the Water Resources Development Act of 1990 (104 Stat. 4609).

(2) *PURCHASE.*—If the Secretary determines that the acquisition of wetlands evaluated under paragraph (1) is economically justified, the Secretary shall purchase the wetlands, with the goal of purchasing not more than 8,200 acres.

(e) *STREAMBANK EROSION CONTROL STUDY.*—The Secretary shall review relevant reports and conduct a study to determine the feasibility of carrying out a project for environmental restoration, erosion control, and streambank restoration along the Passaic River, from Dundee Dam to Kearny Point, New Jersey.

(f) *PASSAIC RIVER FLOOD MANAGEMENT TASK FORCE.*—

(1) *ESTABLISHMENT.*—The Secretary, in cooperation with the non-Federal interest, shall establish a task force, to be known as the ‘Passaic River Flood Management Task Force’, to provide advice to the Secretary concerning all aspects of the Passaic River flood management project.

(2) *MEMBERSHIP.*—The task force shall be composed of 22 members, appointed as follows:

(A) *APPOINTMENT BY SECRETARY.*—The Secretary shall appoint 1 member to represent the Corps of Engineers and to provide technical advice to the task force.

(B) APPOINTMENTS BY GOVERNOR OF NEW JERSEY.—The Governor of New Jersey shall appoint 20 members to the task force, as follows:

- (i) 2 representatives of the New Jersey legislature who are members of different political parties.*
- (ii) 3 representatives of the State of New Jersey.*
- (iii) 1 representative of each of Bergen, Essex, Morris, and Passaic Counties, New Jersey.*
- (iv) 6 representatives of governments of municipalities affected by flooding within the Passaic River basin. (v) 1 representative of the Palisades Interstate Park Commission.*
- (vi) 1 representative of the North Jersey District Water Supply Commission.*
- (vii) 1 representative of each of the Association of New Jersey Environmental Commissions, the Passaic River Coalition, and the Sierra Club.*

(C) APPOINTMENT BY GOVERNOR OF NEW YORK.—The Governor of New York shall appoint 1 representative of the State of New York to the task force.

(3) MEETINGS.—

(A) REGULAR MEETINGS.—The task force shall hold regular meetings.

(B) OPEN MEETINGS.—The meetings of the task force shall be open to the public.

(4) ANNUAL REPORT.—The task force shall transmit annually to the Secretary and to the non-Federal interest a report describing the achievements of the Passaic River flood management project in preventing flooding and any impediments to completion of the project.

(5) EXPENDITURE OF FUNDS.—The Secretary may use funds made available to carry out the Passaic River basin flood management project to pay the administrative expenses of the task force.

(6) TERMINATION.—The task force shall terminate on the date on which the Passaic River flood management project is completed.

(g) ACQUISITION OF LANDS IN THE FLOODWAY.—Section 1148

of the Water Resources Development Act of 1986 (100 Stat. 4254; 110 Stat. 3718) is amended by adding at the end the following:

“(e) CONSISTENCY WITH NEW JERSEY BLUE ACRES PROGRAM.—The Secretary shall carry out this section in a manner that is consistent with the Blue Acres Program of the State of New Jersey.”.

(h) STUDY OF HIGHLANDS LAND CONSERVATION.—The Secretary, in cooperation with the Secretary of Agriculture and the State of New Jersey, may study the feasibility of conserving land in the Highlands region of New Jersey and New York to provide additional flood protection for residents of the Passaic River basin in accordance with section 212 of the Water Resources Development Act of 1999 (33 U.S.C. 2332).

(i) RESTRICTION ON USE OF FUNDS.—The Secretary shall not obligate any funds to carry out design or construction of the tunnel element of the Passaic River flood control project, as authorized by section 101(a)(18)(A) of the Water Resources Development Act of 1990 (104 Stat. 4607).

PUBLIC LAW 113-2, TITLE X, CHAPTER 4:

*DEPARTMENT OF THE ARMY
Corps of Engineers--Civil*

INVESTIGATIONS

For an additional amount for “Investigations” for necessary expenses related to the consequences of Hurricane Sandy, \$50,000,000, to remain available until expended to expedite at full Federal expense studies of flood and storm damage reduction: Provided, That using \$29,500,000 of the funds provided herein, the Secretary of the Army shall expedite and complete ongoing flood and storm damage reduction studies in areas that were impacted by Hurricane Sandy in the North Atlantic Division of the United States Army Corps of Engineers: Provided further, That using up to \$20,000,000 of the funds provided herein, the Secretary shall conduct a comprehensive study to address the flood risks of vulnerable coastal populations in areas that were affected by Hurricane Sandy within the boundaries of the North Atlantic Division of the Corps: Provided further, That an interim report with an assessment of authorized Corps projects for reducing flooding and storm risks in the affected area that have been constructed or are under construction, including construction cost estimates, shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate not later than March 1, 2013: Provided further, That an interim report identifying any previously authorized but unconstructed Corps project and any project under study by the Corps for reducing flooding and storm damage risks in the affected area, including updated construction cost estimates, that are, or would be, consistent with the comprehensive study shall be submitted to the appropriate congressional committees by May 1, 2013: Provided further, That a final report shall be submitted to the appropriate congressional committees within 24 months of the date of enactment of this division: Provided further, That as a part of the study, the Secretary shall identify those activities warranting additional analysis by the Corps, as well as institutional and other barriers to providing protection to the affected coastal areas: Provided further, That the Secretary shall conduct the study in coordination with other Federal agencies, and State, local and Tribal officials to ensure consistency with other plans to be developed, as appropriate: Provided further, That using \$500,000 of the funds provided herein, the Secretary shall conduct an evaluation of the performance of existing projects constructed by the Corps and impacted by Hurricane Sandy for the purposes of determining their effectiveness and making recommendations for improvements thereto: Provided further, That as a part of the study, the Secretary shall identify institutional and other barriers to providing comprehensive protection to affected coastal areas and shall provide this report to the Committees on Appropriations of the House of Representatives and the Senate within 120 days of enactment of this division: Provided further, That the amounts in this paragraph are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this division.

CONSTRUCTION

For an additional amount for “Construction” for necessary expenses related to the consequences of Hurricane Sandy, \$3,461,000,000, to remain available until expended to rehabilitate, repair and construct United States Army Corps of Engineers projects: Provided, That \$2,902,000,000 of the funds provided under this heading shall be used to reduce future flood risk in ways that will support the long-term sustainability of the coastal eco-system and communities and reduce the economic costs and risks associated with large-scale flood and storm events in areas along the Atlantic Coast within the boundaries of the North Atlantic Division of the Corps that were affected by Hurricane Sandy: Pro-vided further, That \$858,000,000 of such funds shall be made avail-able not earlier than 14 days after the Secretary of the Army submits the report required under the heading “Investigations” to be submitted not later than March 1, 2013, and \$2,044,000,000 shall be made available not earlier than 14 days after the Secretary submits the report required under the heading “Investigations” to be submitted not later than May 1, 2013: Provided further, That efforts using these funds shall incorporate current science and engineering standards in constructing previously authorized Corps projects designed to reduce flood and storm damage risks and modifying existing Corps projects that do not meet these standards, with such modifications as the Secretary determines are necessary to incorporate these standards or to meet the goal of pro-viding sustainable reduction to flooding and storm damage risks: Provided further, That upon approval of the Committees on Appropriations of the House of Representatives and the Senate these funds may be used to construct any project under study by the Corps for reducing flooding and storm damage risks in areas along the Atlantic Coast within the North Atlantic Division of the Corps that were affected by Hurricane Sandy that the Secretary deter-mines is technically feasible, economically justified, and environ-mentally acceptable: Provided further, That the completion of ongoing construction projects receiving funds provided by this division shall be at full Federal expense with respect to such funds: Provided further, That the non-Federal cash contribution for projects using these funds shall be financed in accordance with the provisions of section 103(k) of Public Law 99–662 over a period of 30 years from the date of completion of the project or separable element: Provided further, That for these projects, the provisions of section 902 of the Water Resources Development Act of 1986 shall not apply to these funds: Provided further, That up to \$51,000,000 of the funds provided under this heading shall be used to expedite continuing authorities projects to reduce the risk of flooding along the coastal areas in States impacted by Hurricane

Sandy within the boundaries of the North Atlantic Division of the Corps: Provided further, That \$9,000,000 of the funds provided under this heading shall be used for repairs to projects that were under construction and damaged by the impacts of Hurricane Sandy: Provided further, That any projects using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: Provided further, That the Assistant Secretary of the Army for Civil Works shall submit to the Committees on Appropriations of the House of Representatives and

the Senate a monthly report detailing the allocation and obligation of these funds, beginning not later than 60 days after the date of the enactment of this division.

OPERATION AND MAINTENANCE

For an additional amount for “Operation and Maintenance” for necessary expenses related to the consequences of Hurricane Sandy, \$821,000,000, to remain available until expended to dredge Federal navigation channels and repair damage to United States Army Corps of Engineers projects: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this division.

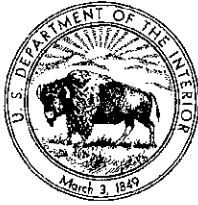
FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for “Flood Control and Coastal Emergencies” for necessary expenses related to the consequences of Hurricane Sandy, \$1,008,000,000, to remain available until expended to prepare for flood, hurricane, and other natural disasters and support emergency operations, repairs and other activities as authorized by law: Provided, That \$430,000,000 of the funds provided herein shall be made available not earlier than 14 days after the Secretary of the Army submits the report required under the heading “Investigations” to be submitted not later than March 1, 2013, and shall be utilized by the United States Army Corps of Engineers to restore projects impacted by Hurricane Sandy in the North Atlantic Division of the Corps to design profiles of the authorized projects: Provided further, That the provisions of section 902 of the Water Resources Development Act of 1986 shall not apply to funds provided under this heading: Provided further, That the amounts in this paragraph are designated by the Congress as being for an emergency requirement pursuant section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this division.

EXPENSES

For an additional amount for “Expenses” for necessary expenses related to the consequences of Hurricane Sandy, \$10,000,000, to remain available until expended to oversee emergency response and recovery activities: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this division.

ENVIRONMENTAL CORRESPONDENCE



United States Department of the Interior

FISH AND WILDLIFE SERVICE
New Jersey Field Office
4 E. Jimmie Leeds Road, Suite 4
Galloway, New Jersey 08205 Tel: 609/646 9310
www.fws.gov/northeast/njfieldoffice/



2019-CPA-0222

Peter Weppler, Chief
Environmental Analysis Branch
U.S. Army Corps of Engineers, New York District
Jacob K. Javits Federal Building
26 Federal Plaza
New York, New York 10278-0090
Attn: Mr. Matthew Voisine

AUG 05 2019

Subject: Passaic River Tidal Wetland Protection Area, New Jersey Coastal Storm Risk Management Feasibility Study, City of Newark, Essex County, and the Townships of Kearny and Harrison in Hudson County, New Jersey.

Dear Mr. Weppler:

The U.S. Fish and Wildlife (Service) has reviewed your May 14, 2019 letter on *Passaic River Tidal Wetland Protection Area, New Jersey Coastal Storm Risk Management Feasibility Study* (Project) and is providing the following comments under the authority of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) (ESA), ensuring the protection of federally listed species; and the Fish and Wildlife Coordination Act (FWCA) (48 Stat. 401; 16 U.S.C. 661 *et seq.*). The following comments do not preclude separate review by the Service pursuant to the National Environmental Policy Act of 1969 (NEPA) (83 Stat. 852; 42 U.S.C. 4321 *et seq.*).

FEDERALLY LISTED SPECIES

The Service concurs with the Corps' determination that the proposed project will result in "no effect" to federally listed threatened or endangered species under Service jurisdiction or their critical habitats. No further consultation pursuant to Section 7 of the ESA is required by the Service. If project plans change or new information on federally listed threatened or endangered species becomes available, this determination may be reconsidered.

SERVICE REVIEW

The Service has reviewed supporting documentation where the U.S. Army Corps of Engineers, New York District (Corps) identified a tentatively selected plan that involves installing levees and other stormwater infrastructure in uplands that adjoin the Passaic and Hackensack Rivers; while at the same time minimizing adverse effects on the aquatic environment. The Project will

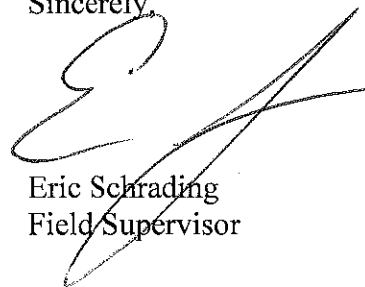
result in the filling of 0.18 acre of an emergent marsh, dominated by the common reed (*Phragmites australis*). Compensatory mitigation, as required by NEPA, Clean Water Act of 1977 (86 Stat. 816; 33 U.S.C. 1344 *et seq.*) and the Final Rule: Mitigation for Losses of Aquatic Resources (Federal Register 33 CFR Parts 325 and 332, 73 (70): 19594-19705), is proposed through the use of purchasing credits from a wetland mitigation bank. The Service recommends that a Federally approved mitigation bank be utilized for all wetland Project impacts that occur in Federal jurisdiction (non-assumable waters).

CONCLUSION

This letter serves as communication between the Corps and the Service pursuant to FWCA Section 2(a) consultation on the Project; the FWCA documents (i.e., Planning Aid Letter, Planning Aid Report or 2(b) Report) are not necessary for this Project. If project plans change or new information on federally listed threatened or endangered species becomes available, or if other Trust Resource issues under the purview of the Service are identified and were not addressed in the Corps NEPA documents, this determination may be reconsidered.

Thank you for the opportunity to participate in the review of this Project and for avoiding and minimizing impacts on the aquatic environment. Any questions regarding this letter should be directed to Ron Popowski at Ron_Popowski@fws.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Eric Schrading', with a large, sweeping flourish extending from the end of the signature.

Eric Schrading
Field Supervisor



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/njfieldoffice/Endangered/consultation.html>



In Reply Refer To:
Consultation Code: 05E2NJ00-2019-SLI-0493
Event Code: 05E2NJ00-2019-E-01046
Project Name: Passaic Tidal

January 31, 2019

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: <http://www.fws.gov/northeast/njfieldoffice/Endangered/consultation.html>

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 foreseeable 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:

New Jersey Ecological Services Field Office

4 E. Jimmie Leeds Road, Suite 4

Galloway, NJ 08205

(609) 646-9310

Project Summary

Consultation Code: 05E2NJ00-2019-SLI-0493

Event Code: 05E2NJ00-2019-E-01046

Project Name: Passaic Tidal

Project Type: LAND - FLOODING

Project Description: Segment 1: 170 linear feet (LF) of floodwall with one closure gate: a 140 LF gate across the intersection of Frelinghuysen Avenue and East Peddie Street. The gate would be approximately 4.0 feet high above ground. The floodwall height above ground would range from approximately 2.6 to 4.0 feet and tie into the adjacent railroad embankment.

Segment 2a (western part of Segment 2): 1,990 LF of floodwall located between the main rail line to Newark Penn Station and the southern tie-off of the alignment. Segment 2A ties into the railroad embankments on each end of the wall. The Segment 2A alignment accommodates the proposed PATH railway extension from Newark Penn Station to the Newark Liberty Airport transit hub. Relocation of the Poinier Street ramp to McCarter Highway is planned to accommodate the PATH extension.

Segment 2B (eastern part of Segment 2): 1,450 LF of floodwall from the tie-in at the NJ Transit/Amtrak railroad to the southern alignment tie-in. This segment includes a gate at New Jersey Railroad (NJRR) Avenue and the southern rail line, and an additional gate north of the rail line for stormwater drainage during extreme rainfall events. Floodwall and gate height above ground along this segment would vary from 4.8 to 8.2 feet.

Segment 3: 135 LF of levee with three 36-inch culverts, headwalls, sluice gates, and backflow prevention devices. The levee crosses an unnamed tidal drainage ditch just east of the New Jersey Turnpike. The levee height above ground of this segment will be a maximum of approximately 9.4 feet.

Segment 4: 190 LF of floodwall across Delancy Street just east of the New Jersey Turnpike. The closure gate across Delancy Street would be approximately 70 LF and the floodwall height would range from approximately 4.1 to 4.8 feet.

Segment 5: 240 LF of floodwall across Wilson Avenue just east of the New Jersey Turnpike. The closure gate across Wilson Avenue would be approximately 85 LF and the floodwall height would range from approximately 3.1 to 3.2 feet above ground.

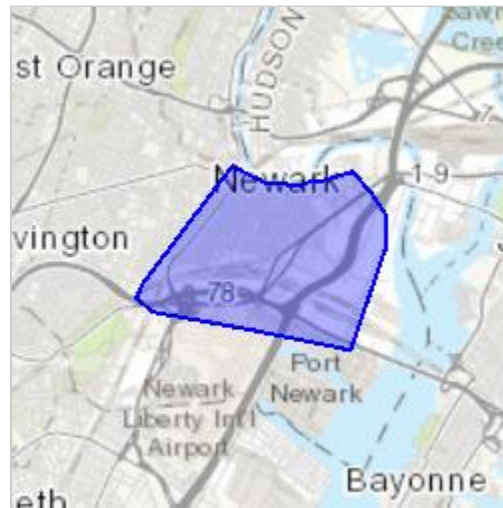
Segment 6: 330 LF of floodwall along Edison Place and NJRR Avenue, and crossing NJRR Avenue to tie into the railroad embankment. The closure gate across NJRR Avenue would be approximately 30 LF. A closure gate was proposed along Edison Place at the Edison ParkFast. The

height of the floodwall would range from approximately 0.9 to 3.1 feet above ground.

Segment 8: 150 LF of floodwall along the side of the off ramp from Raymond Boulevard to Jackson Street. This segment borders the sidewalk adjacent to Riverfront Park and would have a height ranging from approximately 1.3 to 3.4 feet above ground

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/40.71806941837979N74.15637064224987W>



Counties: Essex, 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.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

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.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

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

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birds and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Sep 1 to Jul 31
Blue-winged Warbler <i>Vermivora pinus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds May 1 to Jun 30

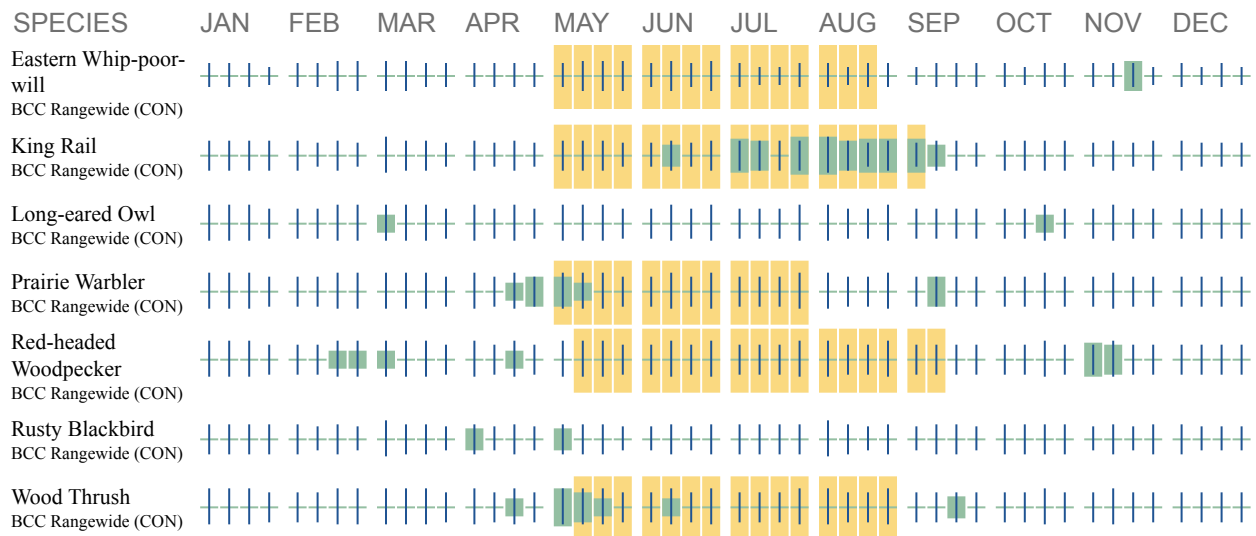
NAME	BREEDING SEASON
Eastern Whip-poor-will <i>Antrostomus vociferus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 1 to Aug 20
King Rail <i>Rallus elegans</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8936	Breeds May 1 to Sep 5
Long-eared Owl <i>asio otus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3631	Breeds elsewhere
Prairie Warbler <i>Dendroica discolor</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 1 to Jul 31
Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10
Rusty Blackbird <i>Euphagus carolinus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds elsewhere
Wood Thrush <i>Hylocichla mustelina</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Aug 31

Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ “Proper Interpretation and Use of Your Migratory Bird Report” before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.



Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

Migratory Birds FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) and/or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [E-bird Explore Data Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
 2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
 3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).
-

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ “What does IPaC use to generate the migratory birds potentially occurring in my specified location?”. Please be aware this report provides the “probability of presence” of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the “no data” indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ “Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds” at the bottom of your migratory bird trust resources page.

Wetlands

Impacts to [NWI wetlands](#) 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.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

ESTUARINE AND MARINE DEEPWATER

- [E1UBLx](#)

ESTUARINE AND MARINE WETLAND

- [E2USNx](#)
- [E2EM5P](#)
- [E2EM1N](#)
- [E2EM1Nx](#)

FRESHWATER EMERGENT WETLAND

- [PEM1E](#)
- [PEM5E](#)
- [PEM5R](#)
- [PEM5Eh](#)
- [PEM1C](#)
- [PEM1Ex](#)
- [PEM1Fx](#)
- [PEM1R](#)
- [PEM5Fh](#)

FRESHWATER POND

- [PUBFh](#)
- [PUBHx](#)

RIVERINE

- [R5UBH](#)
 - [R2UBHx](#)
-

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
United States Coast Guard
Sector New York

212 Coast Guard Drive
Staten Island, NY 10305
Staff Symbol: (spw)
Phone: (718) 354-2353
Fax: (718) 354-4190

16670

25 FEB 2019

U. S. Army Corps of Engineers
New York District
Jacob K. Javitz Federal Bldg
26 Federal Plaza, Room 2151
New York, NY 10278-0090

Ladies and Gentlemen:

We have reviewed the Revised Draft Integrated Hurricane Sandy General Reevaluation Report/Environmental Assessment (HSGRR/EA) and Revised Draft Finding of No Significant Impact (FONSI) regarding the Passaic Tidal Protection Area Coastal Storm Risk Management Study.

The U.S. Coast Guard has no comments at this time based on the following document statements:

1. In-water construction activities are limited to Segment 3, within an unnamed tributary to Jasper Creek (Chapter 6.9.1 Shellfish, Proposed Action, page 118 of 155), and
2. There would be no impact on the navigation channels in the Passaic and Hackensack Rivers in the study area, as construction would not occur (*in*) navigable waterways (Chapter 6.17 Transportation and Other Infrastructure, Proposed Action, Page 132 of 155).

If you have any questions or comments regarding this matter, please contact Mr. Jeff Yunker at (718) 354-4195.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. W. Buck", written over a horizontal line.

J. W. BUCK
Lieutenant Commander, U.S. Coast Guard
Chief, Waterways Management Division
By direction

USACE Passaic Tidal Feasibility Study and EA

FRA comments on draft for public review, Feb 2019 USDOT Comments

Section	Page	FRA Comment
General	n/a	Maps of the "Recommended Plan" would be helpful to see in the Exec Summary, FONSI, and in the EA main body so that one could compare the Recommended Plan with the resource distributions (existing conditions). Also, in Figure 21-23, street names that correspond to the text in Section 5.1 would be helpful.
3.17	50	Recommend separating out Amtrak from the listing of "transit operators" in the "Transportation Existing Conditions" section, as Amtrak is not considered a transit operator. Also in this section, since a primary purpose of the project is to protect infrastructure (as well as residents and properties), it might be helpful to emphasize the importance of the transportation infrastructure in the area, and for passenger rail, that would mean calling out that the "Northeast Corridor" runs through project area, supporting both NJT commuter trains providing service to commuters traveling from NJ into New York City as well as Amtrak trains, providing intercity passenger rail service between Washington, D.C., and Boston, MA. Statistics about the use and importance of the NEC can be obtained from the NEC Commission (they have several available on their website, http://nec-commission.com/)
4.1.1	52	The description of the "future-without-project" is somewhat difficult to read for the lay-reader. There is a focus on sea level rise, which is important, but the problem that the project addresses more directly is storm surge. This is acknowledged in the first paragraph of this section, but there is not much discussion of expected height of storm surges associated with the various sea level rise scenarios (There is one sentence at the top of page 52 that explains what "water surface elevation" is associated with storm type, the meaning of this may not be clear to the average person as "storm surge" is not mentioned anywhere here. As reducing the impacts of storm surge flooding is a primary project goal, it is odd that the "future without project" description does not analyze the predicted worsening of storm surges.
4.6	62	General question that wasn't clear to me in reading this section - does development and selection of the "Newark Flanking Component of the NED plan" mean that the rest of the NED plan is no longer being developed or considered for implementation? The plans are drastically different and so it's difficult to even compare between the two of them, but the rationale for advancing the Newark flanking component first makes sense....but I'd think residents of other areas not benefited by the Recommended Plan would be interested in knowing about any resiliency measures that are being developed (e.g., the NED Plan) that would benefit them.
5.1	71	Without additional detail, it is unclear exactly how Segment 2A accommodates the proposed PATH extension to Newark Airport. Is it because the wall would not be in the proposed ROW currently being examined? Please clarify.
6.6	91	With regard to the mitigation for the temporary impact to rail operations during construction of Segment 2, more detail is needed to level and locations of impact - this appears to be impacts to the Northeast Corridor, which carries a very large amount of traffic in this area. Interruptions to Amtrak and NJT operations here would have a major impact if not carefully managed and coordinated with the railroad operators. We recommend that the commitment to such coordination should be stronger and include timelines and stakeholders involved in the coordination.



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

April 3, 2019

Ms. Amishi Castelli
USDOT, Federal Railroad Administration
One Bowling Green, Suite 429
New York, NY 10004

Dear Ms. Castelli:

Thank you for your review and providing a comment on the Revised Draft Integrated Hurricane Sandy General Reevaluation Report and Environmental Assessment (HSGRR/EA) for the Passaic Tidal Protection Area Coastal Storm Risk Management Study. The U.S. Army Corps of Engineers, New York District (District) would like to respond to your comments.

Thank you for your editorial comments. The District will edit as appropriate.

As identified within the HSGRR/EA, the selected plan is not National Economic Development (NED) plan. In developing the NED plan, the flanking section was added because flood risk was observed from the south that was not initially addressed in the previous iteration of the NED plan. The selected plan was devised during the final iterations of alternative analysis and plan formulation. Please note, the selected plan does not contain the remaining portion of the NED plan (the Harrison and Kearney sections, as well as the protection in Newark along the Passaic River) as you communicated in your letter.

The selected plan will not include Segment 2A in the proposed PATH extension right of way. The conceptual plans of Segment 2A and the PATH extension allow for both projects to exist. Prior to and during the Preconstruction Engineering and Design phase, the District will conduct quarterly meetings as necessary with the transportation agencies and stakeholder to ensure no disruptions to railway operations.

The New York District appreciates your time and effort in the review of the HSGRR/EA. Should you require any additional information, please contact Project Biologist, Mr. Matthew Voisine, (917) 790-8718; or Jason Shea, Project Manager, (917) 790-8727.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Weppner", is written over the typed name.

Peter Weppner
Chief, Environmental Analysis Branch



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 USACE and NJDEP.

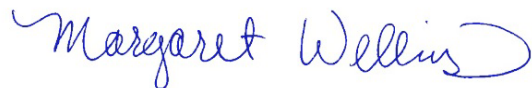
The reevaluation study was underway when Hurricane Sandy severely impacted the study area in October 2012. The storm's tidal surge inundated the southern portion of the Main Stem project area. The Tidal Protection Area was included in the Second Interim Report to Congress in response to P.L. 113-2, listing 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 Margaret.wellins@hdrinc.com 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

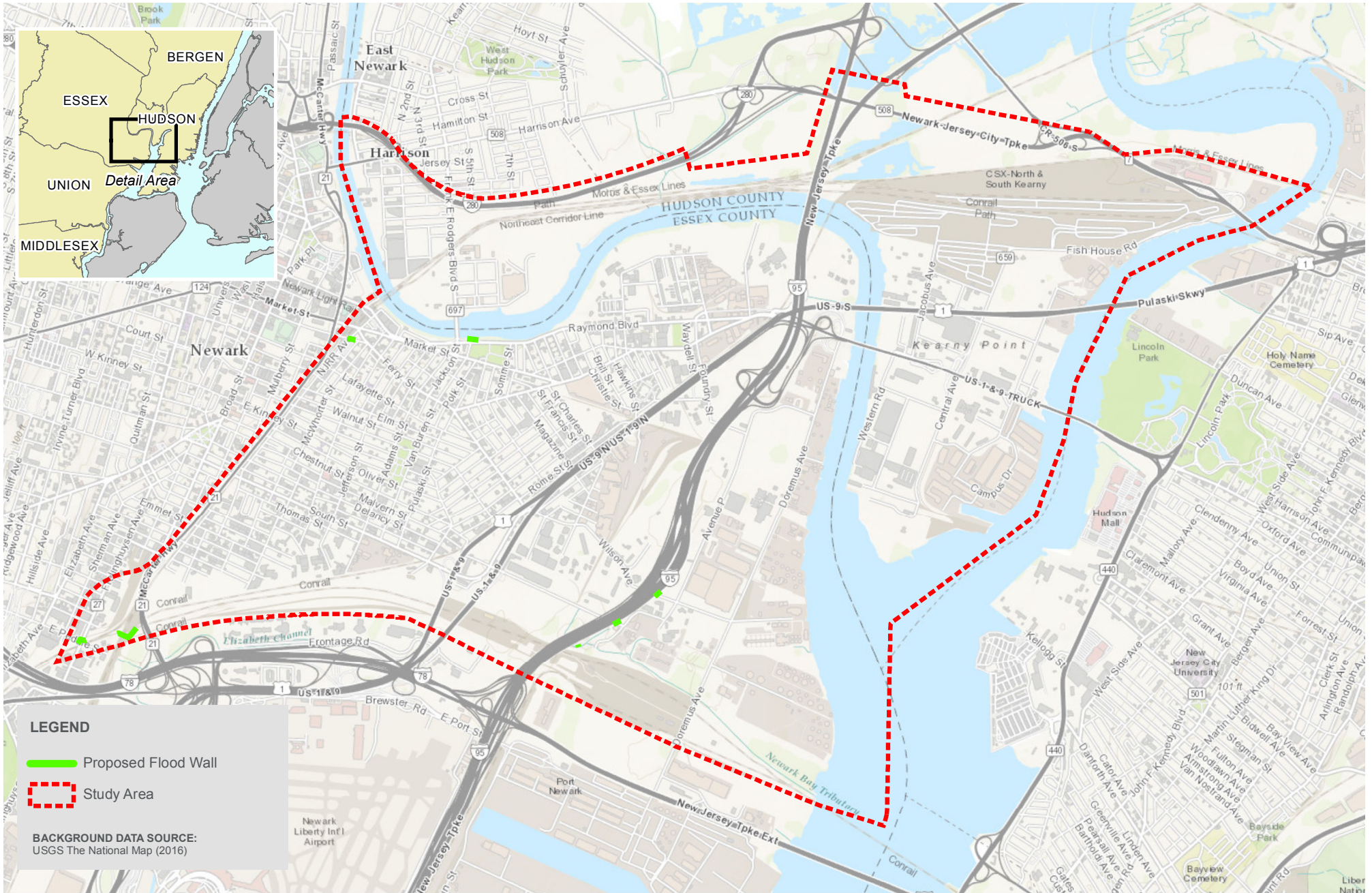
Cc: Matthew Voisine, USACE

Enclosures:

Figure 1 – Site Location Map

Attachment 1 – Natural Heritage Data Request Form

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



**US Army Corps
of Engineers®**
New York District

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.)

1. **Name:** Margaret Wellins **Agency/Company:** HDR, Inc.
Address: 1 International Blvd. **City:** Mahwah
State: NJ **Zip:** 07495 **Daytime Phone:** 201.335.9443 **Ext.:** _____
Cell Phone: 973.934.9813 **Email:** Margaret.Wellins@hdrinc.com
2. **Project Name:** Passaic River Tidal General Reevaluation Study EA
Municipality(ies): Newark **County(ies):** Essex
Block(s): See Attachment 2 **Lot(s):** See Attachment 2
N.A.D. 1983 State Plane Coordinates (feet) 6 digits only: **E (x):** 586,671 **N (y):** 689,417
3. **Project Description:** The U.S. Army Corps of Engineers proposes to construct seven floodwall segment in low lying flood prone areas of the City of Newark, Essex County (See Figure 1).
4. **USGS Quad:** x A copy of a USGS quad 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.)
5. **Flood Hazard Control Act Use:** **Is this request submitted as part of a Flood Hazard Area Control Act rule (N.J.A.C. 7:13) application? Yes** _____ **No** x
6. **Acknowledgement & Signature:** Any material supplied by the Office of Natural Lands Management will not be published without 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 Wellins **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 Natlands@dep.nj.gov. 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 _____

Hrs: _____

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.



State of New Jersey

CHRIS CHRISTIE
Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Parks & Forestry

BOB MARTIN
Commissioner

KIM GUADAGNO
Lt. Governor

State Forestry Service
Mail Code 501-04
Office of Natural Lands Management – Natural Heritage Program
P.O. Box 420
Trenton, NJ 08625-0420
Tel. (609) 984-1339 Fax. (609) 984-1427

September 21, 2017

Margaret Wellins
HDR Engineering, Inc.
1 International Boulevard, 10th Fl., Suite 1000
Mahwah, NJ 07495-0027

Re: Passaic River Tidal General Reevaluation Study EA
Newark City, Essex County

Dear Ms. Wellins:

Thank you for your data request regarding rare species information for the above referenced project site.

Searches of the Natural Heritage Database and the Landscape Project (Version 3.3) are based on a representation of the boundaries of your project site in our Geographic Information System (GIS). We make every effort to accurately transfer your project bounds from the topographic map(s) submitted with the Natural Heritage Data Request Form into our Geographic Information System. We do not typically verify that your project bounds are accurate, or check them against other sources.

We have checked the Landscape Project habitat mapping and the Biotics Database for occurrences of any rare wildlife species or wildlife habitat on the referenced site. The Natural Heritage Database was searched for occurrences of rare plant species or ecological communities that may be on the project site. Please refer to Table 1 (attached) to determine if any rare plant species, ecological communities, or rare wildlife species or wildlife habitat are documented on site. A detailed report is provided for each category coded as 'Yes' in Table 1.

We have also checked the Landscape Project habitat mapping and Biotics Database for occurrences of rare wildlife species or wildlife habitat in the immediate vicinity (within ¼ mile) of the referenced site. Additionally, the Natural Heritage Database was checked for occurrences of rare plant species or ecological communities within ¼ mile of the site. Please refer to Table 2 (attached) to determine if any rare plant species, ecological communities, or rare wildlife species or wildlife habitat are documented within the immediate vicinity of the site. Detailed reports are provided for all categories coded as 'Yes' in Table 2. These reports may include species that have also been documented on the project site.

The Natural Heritage Program reviews its data periodically to identify priority sites for natural diversity in the State. Included as priority sites are some of the State's best habitats for rare and endangered species and ecological communities. Please refer to Tables 1 and 2 (attached) to determine if any priority sites are located on or in the immediate vicinity of the site.

A list of rare plant species and ecological communities that have been documented from the county (or counties), referenced above, can be downloaded from <http://www.state.nj.us/dep/parksandforests/natural/heritage/countylist.html>. If suitable habitat is present at the project site, the species in that list have potential to be present.

Status and rank codes used in the tables and lists are defined in EXPLANATION OF CODES USED IN NATURAL HERITAGE REPORTS, which can be downloaded from http://www.state.nj.us/dep/parksandforests/natural/heritage/nhpcodes_2010.pdf.

NHP File No. 17-4007462-12715

Beginning May 9, 2017, the Natural Heritage Program reports for wildlife species will utilize data from Landscape Project Version 3.3. If you have questions concerning the wildlife records or wildlife species mentioned in this response, we recommend that you visit the interactive web application at the following URL, <https://njdep.maps.arcgis.com/apps/webappviewer/index.html?id=0e6a44098c524ed99bf739953cb4d4c7>, or contact the Division of Fish and Wildlife, Endangered and Nongame Species Program at (609) 292-9400.

For additional information regarding any Federally listed plant or animal species, please contact the U.S. Fish & Wildlife Service, New Jersey Field Office at <http://www.fws.gov/northeast/njfieldoffice/endangered/consultation.html>.

PLEASE SEE 'CAUTIONS AND RESTRICTIONS ON NHP DATA', which can be downloaded from <http://www.state.nj.us/dep/parksandforests/natural/heritage/newcaution2008.pdf>.

Thank you for consulting the Natural Heritage Program. The attached invoice details the payment due for processing this data request. Feel free to contact us again regarding any future data requests.

Sincerely,



Robert J. Cartica
Administrator

c: NHP File No. 17-4007462-12715

Table 1: On Site Data Request Search Results (6 Possible Reports)

<u>Report Name</u>	<u>Included</u>	<u>Number of Pages</u>
1. Possibly on Project Site Based on Search of Natural Heritage Database: Rare Plant Species and Ecological Communities Currently Recorded in the New Jersey Natural Heritage Database	No	0 pages included
2. Natural Heritage Priority Sites On Site	No	0 pages included
3. Rare Wildlife Species or Wildlife Habitat on the Project Site Based on Search of Landscape Project 3.3 Species Based Patches	Yes	1 page(s) included
4. Vernal Pool Habitat on the Project Site Based on Search of Landscape Project 3.3	No	0 pages included
5. Rare Wildlife Species or Wildlife Habitat on the Project Site Based on Search of Landscape Project 3.3 Stream Habitat File	No	0 pages included
6. Other Animal Species On the Project Site Based on Additional Species Tracked by Endangered and Nongame Species Program	No	0 pages included

<p>Rare Wildlife Species or Wildlife Habitat on the Project Site Based on Search of Landscape Project 3.3 Species Based Patches</p>
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Class	Common Name	Scientific Name	Feature Type	Rank	Federal Protection Status	State Protection Status	Grank	Srank
<i>Aves</i>								
	Bald Eagle	Haliaeetus leucocephalus	Foraging	4	NA	State Endangered	G5	S1B,S2N
	Bald Eagle	Haliaeetus leucocephalus	Nest	4	NA	State Endangered	G5	S1B,S2N
	Black-crowned Night-heron	Nycticorax nycticorax	Foraging	3	NA	State Threatened	G5	S2B,S3N
	Cattle Egret	Bubulcus ibis	Foraging	3	NA	State Threatened	G5	S2B,S3N
	Glossy Ibis	Plegadis falcinellus	Foraging	2	NA	Special Concern	G5	S3B,S4N
	Least Tern	Sternula antillarum	Foraging	4	NA	State Endangered	G4	S1B,S1N
	Little Blue Heron	Egretta caerulea	Foraging	2	NA	Special Concern	G5	S3B,S3N
	Osprey	Pandion haliaetus	Foraging	3	NA	State Threatened	G5	S2B,S4N
	Peregrine Falcon	Falco peregrinus	Urban Nest	4	NA	State Endangered	G4	S1B,S3N
	Snowy Egret	Egretta thula	Foraging	2	NA	Special Concern	G5	S3B,S4N
	Tricolored Heron	Egretta tricolor	Foraging	2	NA	Special Concern	G5	S3B,S3N

Table 2: Vicinity Data Request Search Results (6 possible reports)

<u>Report Name</u>	<u>Included</u>	<u>Number of Pages</u>
1. Immediate Vicinity of the Project Site Based on Search of Natural Heritage Database: Rare Plant Species and Ecological Communities Currently Recorded in the New Jersey Natural Heritage Database	No	0 pages included
2. Natural Heritage Priority Sites within the Immediate Vicinity	No	0 pages included
3. Rare Wildlife Species or Wildlife Habitat Within the Immediate Vicinity of the Project Site Based on Search of Landscape Project 3.3 Species Based Patches	Yes	1 page(s) included
4. Vernal Pool Habitat In the Immediate Vicinity of Project Site Based on Search of Landscape Project 3.3	No	0 pages included
5. Rare Wildlife Species or Wildlife Habitat In the Immediate Vicinity of the Project Site Based on Search of Landscape Project 3.3 Stream Habitat File	No	0 pages included
6. Other Animal Species In the Immediate Vicinity of the Project Site Based on Additional Species Tracked by Endangered and Nongame Species Program	No	0 pages included

<p align="center">Rare Wildlife Species or Wildlife Habitat Within the Immediate Vicinity of the Project Site Based on Search of Landscape Project 3.3 Species Based Patches</p>

Class	Common Name	Scientific Name	Feature Type	Rank	Federal Protection Status	State Protection Status	Grank	Srank
Aves								
	Bald Eagle	Haliaeetus leucocephalus	Foraging	4	NA	State Endangered	G5	S1B,S2N
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	Cattle Egret	Bubulcus ibis	Foraging	3	NA	State Threatened	G5	S2B,S3N
	Glossy Ibis	Plegadis falcinellus	Foraging	2	NA	Special Concern	G5	S3B,S4N
	Least Tern	Sternula antillarum	Foraging	4	NA	State Endangered	G4	S1B,S1N
	Little Blue Heron	Egretta caerulea	Foraging	2	NA	Special Concern	G5	S3B,S3N
	Northern Harrier	Circus cyaneus	Non-breeding Sighting	2	NA	Special Concern	G5	S1B,S3N
	Osprey	Pandion haliaetus	Foraging	3	NA	State Threatened	G5	S2B,S4N
	Osprey	Pandion haliaetus	Nest	3	NA	State Threatened	G5	S2B,S4N
	Peregrine Falcon	Falco peregrinus	Urban Nest	4	NA	State Endangered	G4	S1B,S3N
	Snowy Egret	Egretta thula	Foraging	2	NA	Special Concern	G5	S3B,S4N
	Tricolored Heron	Egretta tricolor	Foraging	2	NA	Special Concern	G5	S3B,S3N



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

October 25, 2017

Mr. Matthew Voisine
US Army Corp of Engineers
26 Federal Plaza, Room 2151
New York City, New York 10278-0090

RE: Passaic Tidal Protection Area
Draft Integrated Hurricane Sandy General Reevaluation Report/Environmental
Assessment (HSGRR/EA)
Newark City, Essex County, New Jersey
Kearny Twp. and Harrison Twp. Hudson County, New Jersey.

Dear Mr. Voisine:

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 Hurricane Sandy General Reevaluation Report/Environmental Assessment (HSGRR/EA) for the Passaic Tidal Protection Area. The Passaic River Tidal Protection Area is located in Newark, Essex County, and Townships Harrison and Kearny of Hudson County. The US Army Corp of Engineers (USACE) New York District proposed the Draft HSGRR/EA to document the formulation and evaluation of plans to address coastal storm risk management in the Lower Passaic River Basin and the significance of potential environmental impacts of the Tentatively Selected Plan (TSP) recommended in the Draft HSGRR/EA. USACE has evaluated an array of structural and nonstructural alternatives including levees, floodwalls, surge barriers, ringwalls, structure elevation, and flood proofing for the identification of the TSP. The TSP will be refined based on comments from public and agency review. It will contain additional feasibility level optimization for the Final Integrated Feasibility Report and environmental analysis conducted for and presented in the Environmental Assessment.

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

Bureau of Flood Control

The Department is the Non-Federal Sponsor on the Study. The Bureau of Flood Control has been the partner with the USACE in the development of the study. Therefore, the Bureau of Flood Control has no further comment.

If you have any questions or concerns please contact John Ritchey at (609) 984-0859.

New Jersey Division of Fish and Wildlife

The Endangered and Nongame Species Program has no significant concerns regarding impacts of the proposed project on any Endangered or Threatened wildlife.

The NJ Division of Fish and Wildlife (DFW) offer the following comments:

Fisheries:

For the proposed action, under 6.4.2 Water Quality, the report states the **only** in-water structure associated with the Proposed Action is the tide gate in a small unnamed creek (a tributary to Jasper Creek) crossed by Segment 3 and that during construction of the proposed tide gate there would be a potential for temporary, minor impacts on water quality in the vicinity of the Project Area. And section 6.9.2 Finfish, concludes that "*Finfish habitat within the project area is limited to the unnamed tributary to Jasper Creek at Segment 3 and its adjacent wetlands which may offer nursery and foraging habitat for fish species. Small fish species could potentially enter the Project Area during significant high tides or storm events.*"

But, the EA also indicates that there will be "*Outfalls from the interior drainage system will be designed to avoid disturbance of the sediments in the receiving water bodies and avoiding associated water quality impacts from sediment resuspension, including increased turbidity and contaminant transport. Concentrated discharge velocities would be addressed by adding energy dissipaters or stilling basins before the discharged water entered the river, thus eliminating the potential for sediment resuspension.*"

During construction, there would be a potential for temporary, minor impacts on water quality in the vicinity of these outfalls also. DFW assumes for some of these outfalls, the receiving water might be the lower Passaic River or upper Newark Bay.

Therefore, DFW would recommend a timing restriction on any in-water and sediment generating activities during the migratory and spawning period for anadromous species from March 1 to June 30 and Winter Flounder from January 1 to May 31. Cofferdams installed prior to, or outside of a recommended timing restriction should allow the applicant to work during the restricted period.

Also if as these sections in the EA provide, that impairments to water quality during construction due to increased suspended sediments would be minimized to the fullest

extent possible by strict implementation of a sediment and erosion control plan, as well as meeting all requirements of state and local permits necessary for construction, and if fish species requiring seasonal restrictions on in-water work are present, construction would be completed in accordance with the specified windows to avoid impacts to fish species. The DFW would be willing to agree with the FONSI for the proposed action.

If you have any additional questions, please contact Mr. Kelly Davis at (908) 236-2118 or kelly.davis@dep.nj.gov.

Historic and Cultural Resources

As noted in the 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. Based on the information provided, it appears the Corps would like to handle consultation through the execution of a Programmatic Agreement. As a result, the HPO looks forward to further consultation with the United States Department of the Army, Corps of Engineers, 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.

For additional consultation with the HPO, please reference the HPO project number 18-0096 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

Based on the information provided, the project appears to impact 2 parks (multiple lots). Both parks are located in the City of Newark. One is Essex County's Riverfront Park and the other is Newark's Minish Passaic River Waterfront. Green Acres will need the shape files of the exact route in order to determine if other Green Acre properties are impacted.

NJAC 7:36-25(c) of the Green Acres rules itemizes projects that constitute a "diversion" of parkland including flood control facilities such as levees, berms and flood walls. An exception is made, however, when these facilities do not have a negative impact on the natural resources or recreational values of the parkland.

It may be that this project will not result in parkland diversions if the flood control is planned and constructed in a way that enhances the parkland involved. This determination will be made by Green Acres.

If you have any questions or concerns, please contact Maudé Snyder at (609) 292-0903.

Land Use Regulation Program

Based upon a review of the report, it appears that the proposed project involves seven separate floodwall segments, totaling 2,730 feet with five road closure segments, a tide gate and interior drainage system. The floodwall segments include:

- Segment 1: 290 linear feet (lf) of floodwall with two closure gates: a 100 lf gate across Frelinghuysen Avenue and a 45 lf gate across East Peddie Street. Both gates would be 4.0 ft high. The floodwall height would range from approximately 2.6 to 3.3 ft.
- Segment 2: 705 lf of floodwall located between McCarter Highway and Frelinghuysen Ave, north of East Peddie Street. This segment includes five closure gates, totaling 190 lf to allow passage along the numerous railroad tracks at this location. Floodwall and gate height along this segment would vary from 4.8 to 8.2 ft.
- Segment 3: 139 lf of floodwall with a tide gate across an unnamed creek just east of the New Jersey Turnpike. The floodwall height of this segment will be a maximum of 9.4 ft.
- Segment 4: 180 lf of floodwall across Delancy Street, just east of the New Jersey Turnpike. The closure gate across Delancy Street would be 62 lf and the floodwall height would range from approximately 4.1 to 4.8 ft.
- Segment 5: 226 lf of floodwall across Wilson Avenue just east of the New Jersey Turnpike. The closure gate across Wilson Avenue would be 60 lf and the floodwall height would range from approximately 3.1 to 3.2 ft.
- Segment 6: 204 lf of floodwall along Edison Place and across New Jersey Railroad Avenue at Edison Place. The closure gate across New Jersey Railroad Avenue would be approximately 24 lf and the height of the floodwall would range from approximately 0.85 to 3.09 ft.
- Segment 8: 297 lf of floodwall along the side of the off ramp from Raymond Blvd to Jackson Street. This segment borders the sidewalk adjacent to Joseph G. Minish Passaic River Waterfront Park (Minish Park) and would have a height ranging from approximately 1.3 to 3.4 ft.

According to the report, the project will impact 0.38 acres of wetlands and watercourses and therefore will be required to comply with the Freshwater Wetlands Protection Act, N.J.S.A. 13:9B.

The project is also located within the coastal zone and therefore will be required to comply with the Waterfront Development Law, N.J.S.A. 13:5-3.

Any portion of the project located outside of the coastal zone and within a flood hazard area will be required to comply with the Flood Hazard Area Control Act Rules, N.J.S.A. 58:16A.

If you have any questions or concerns about the comments above, please contact Chris Jones at (609) 633-6757.

Air Compliance and Enforcement

Based on the information provided, the Division of Air Compliance and Enforcement offer the following comments:

- Construction Equipment-stationary construction equipment, may require air pollution permits. The applicant should review the requirements of NJAC 7:27-8.2(c) 1-21 for stationary permitting requirements.
- Fugitive Dust and Odors- dust emissions either windblown or generated from construction equipment should be controlled to prevent offsite impacts. The applicant also should be aware of potential offsite impacts of odors pursuant to NJAC 7:27-5.
- Idling Vehicles- any vehicles involved on the project must adhere to the idling standards (less than 3 minutes) in NJAC 7:27-14 and 15.
- Pump Stations- any pump station constructed as part of this project that has a fuel fired pump or emergency generator that has a heat input rate greater than 1 million BTU/hr will require a permit pursuant to 7:27-8.2(c)1. Electric Pumps would not require a permit.

If you have any questions or concerns, please contact Jeffrey Meyer at (609) 439-9419.

Air Planning

The Bureau of Evaluation and Planning (BEP) has reviewed the USACE's Passaic River Tidal General Reevaluation Report (EA) and offers the following comments:

- 1.8 Study Area
The Draft EA indicates that the Minish Park section was included in the study area and includes a line of protection which will provide flood risk management for 'inland' Newark.

Comment#1

The Draft EA (Section 3.14 Recreation) indicates that Phase I construction of a bulkhead was completed in the Joseph G. Minish Park and that Phase II and III are pending completion. If construction associated with Phase II and III will take place during this timeframe, then these emissions should be evaluated to determine if they should be included in the General Conformity Applicability Analysis. The USEPA (General Conformity Guidance: Questions and Answers (July 13, 1994) indicates that a project should not be segmented and that all reasonably foreseeable emissions must be included for the project as a whole in determining applicability.

Appendix J Engineering and Design - 9.9 Armoring

Appendix J states, "The potential for sizeable waves along the three Newark Bay reaches of the NED Plan line of protection may necessitate armoring the exterior of the floodwall to help prevent wave-induced erosion."

Comment #2

Are the air emissions associated with transporting the material used for armoring the floodwall that occur within the nonattainment area included in Appendix B2, Clean Air Act Conformity Record of Non-Applicability? If these air emissions have not been included, please revise the air emission estimates to include these 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 NO_x 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:

- 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>.
- 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 NO_x emissions.
- 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.

NJDPES Discharge to Surface Water

The Townships of Kearny and Harrison are combined sewer systems with CSO outfalls. Any discharge to the combined system should be during dry weather in order to minimize CSO

outfall discharges. If a discharge to surface water becomes necessary, (outside of the combined system--via a stormwater outfall or via direct discharge to surface water) a NJPDES Discharge to Surface Water permit will be needed.

Based on a review of the Environmental Assessment Document for the proposed project, a permit will be needed for any construction dewatering that may be discharged to surface water. Provided that the discharge is not contaminated, the appropriate discharge permit will be the B7- Short term De minimis permit (see <http://www.state.nj.us/dep/dwq/pdf/b7-rfa-checklist.pdf>). This is determined by running a pollutant scan as described in the application checklist where the data can be collected up to a year in advance of the discharge. If, however, the discharge is contaminated (the analytical results demonstrate levels greater than the Appendix A standards as specified in the De minimis permit see <http://www.state.nj.us/dep/dwq/pdf/b7-deminimis-final-permit-5-20-15.pdf>), the appropriate NJPDES discharge to surface water permit will be the BGR – General Remediation Cleanup permit (see <http://www.state.nj.us/dep/dwq/pdf/sw-gp-chklst.pdf>). The BGR permit can generally be processed in less than 30 days although a treatment works approval may be needed for any treatment.

If you have any questions or concerns, please contact Kelly Perez at (609) 984-4507.

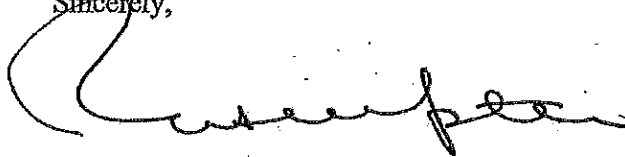
Stormwater Management

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.

If you have any additional questions, please contact Eleanor Krukowski at (609) 633-7021.

Thank you for giving the New Jersey Department of Environmental Protection the opportunity to comment on the Draft Integrated Hurricane Sandy General Reevaluation Report/Environmental Assessment (HSGRR/EA) for the Passaic Tidal Protection Area. Please contact Michelle Sebestyen at (609) 292-3600 if you have any additional questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ruth W. Foster', written over a horizontal line.

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

- c. John Gray, Deputy Chief of Staff
- Kelly Davis, New Jersey Division of Fish and Wildlife
- Dave Jenkins, NJDEP DFW - ENSP
- Jesse West-Rosenthal, NJDEP Historic Preservation Office
- Chris Jones, NJDEP Division of Land Use Regulation
- Colleen Keller, NJDEP Division of Land Use Regulation
- Angela Skowronek, NJDEP Air Planning
- Jeffrey Meyer, NJDEP Air C&E
- Alina Nagtalon, NJDEP Bureau of Mobile Sources
- Maude Snyder, NJDEP Green Acres Program
- Eleanor Krukowski, NJDEP Stormwater
- Kelly Perez, NJDEP DSW / CSO



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

Telephone: (609) 292-3600

FAX: (609) 633-2102

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

CATHERINE R. MCCABE
Commissioner

February 26, 2019

Mr. Matthew Voisine
US Army Corp of Engineers
26 Federal Plaza, Room 2151
New York City, New York 10278-0090

**RE: Passaic Tidal Protection Area
Revised Draft Integrated Hurricane Sandy General Reevaluation
Report/Environmental Assessment and
Revised Draft Finding of No Significant Impact
Newark City, Essex County, New Jersey
Kearny Twp. and Harrison Twp. Hudson County, New Jersey.**

Dear Mr. Voisine:

The New Jersey Department of Environmental Protection's (Department) Office of Permit Coordination and Environmental Review (PCER) distributed, for review and comment, the Revised Draft Integrated Hurricane Sandy General Reevaluation Report/Environmental Assessment (HSGRR/EA) and Revised Draft Finding of No Significant Impact (FONSI) for the Passaic Tidal Protection Area. The Passaic River Tidal Protection Area is located in Newark, Essex County, and Townships Harrison and Kearny of Hudson County. The US Army Corp of Engineers (USACE) New York District has revised the Draft HSGRR/EA to document the formulation and evaluation of plans to address coastal storm risk management in the Lower Passaic River Basin and the significance of potential environmental impacts of the Tentatively Selected Plan (TSP) recommended in the Draft HSGRR/EA. USACE has evaluated an array of structural and nonstructural alternatives including levees, floodwalls, surge barriers, ringwalls, structure elevation, and flood proofing for the identification of the TSP. The TSP will be refined based on comments from public and agency review. It will contain additional feasibility level optimization for the Final Integrated Feasibility Report and environmental analysis conducted for and presented in the Environmental Assessment.

The Office of Permit Coordination and Environmental review provided the enclosed comments on the Draft report on October 25, 2017. Based on the information provided for review in the Revised Draft, the Department offers the following comments for your consideration:

Bureau of Flood Control

The Department is the Non-Federal Sponsor on the Study. The Bureau of Flood Control has been the partner with the USACE in the development of the study. Therefore, the Bureau of Flood Control has no further comment.

If you have any questions or concerns please contact John Ritchey at (609) 984-0859.

Green Acres

Based on the information provided in the Revised Draft, the project appears to impact more state encumbered park land than identified in comments of 2017. Please provide the Green Acres the the GIS shape files of the exact locations of impact in order to specifically determine all impacted Green Acre properties.

If you have any questions or concerns, please contact Maude Snyder at (609) 292-0903.

Land Use Regulation Program

The Division of Land Use regulation is currently reviewing a pending Federal Consistency determination for this project. If you have any questions or concerns about the comments above, please contact Chris Jones at (609) 633-6757.

Air Planning

The Bureau of Evaluation and Planning (BEP) has reviewed the USACE's Passaic River Tidal General Reevaluation Revised Report (EA) and offers the following comments:

- General Comment: are the emissions associated with transporting the material to armor the floodwall included in the evaluation for this project?
- Comments previously submitted in 2017:

- 1.8 Study Area

The Draft EA indicates that the Minish Park section was included in the study area and includes a line of protection which will provide flood risk management for 'inland' Newark.

Comment#1

The Draft EA (Section 3.14 Recreation) indicates that Phase 1 construction of a bulkhead was completed in the Joseph G. Minish Park and that Phase II and III are pending completion. If construction associated with Phase II and III will take place during this timeframe, then these emissions should be evaluated to determine if they should be included in the General Conformity Applicability Analysis. The USEPA (General Conformity Guidance: Questions and Answers (July 13, 1994) indicates that a project should not be segmented and that all

reasonably foreseeable emissions must be included for the project as a whole in determining applicability.

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Appendix J states, "The potential for sizeable waves along the three Newark Bay reaches of the NED Plan line of protection may necessitate armoring the exterior of the floodwall to help prevent wave-induced erosion."

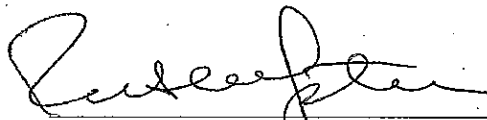
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Are the air emissions associated with transporting the material used for armoring the floodwall that occur within the nonattainment area included in Appendix B2, Clean Air Act Conformity Record of Non-Applicability? If these air emissions have not been included, please revise the air emission estimates to include these emissions.

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

Thank you for giving the New Jersey Department of Environmental Protection the opportunity to comment on the Revised Draft Integrated Hurricane Sandy General Reevaluation Report/Environmental Assessment (HSGRR/EA) for the Passaic Tidal Protection Area. Please contact Michelle Sebestyen at (609) 292-3600 if you have any additional questions or concerns.

Sincerely,



Ruth W. Foster, Ph.D., P.G., Director
Permit Coordination and Environmental Review

Enclosure

c.

Kelly Davis, New Jersey Division of Fish and Wildlife
Jesse West-Rosenthal, NJDEP Historic Preservation Office
Chris Jones, NJDEP Division of Land Use Regulation
Colleen Keller, NJDEP Division of Land Use Regulation
Angela Skowronek, NJDEP Air Planning
Maude Snyder, NJDEP Green Acres Program
Angela Skowronek, NJDEP, BAP



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

April 3, 2019

Ms. Ruth W. Foster PhD., P.G., Director
Permit Coordination and Environmental Review
P.O. Box 420 Mail Code 401-07J
Trenton, NJ 08625-0420

Dear Ms. Foster:

Thank you for your review and providing a comment on the Revised Draft Integrated Hurricane Sandy General Reevaluation Report and Environmental Assessment (HSGRR/EA) for the Passaic Tidal Protection Area Coastal Storm Risk Management Study. The U.S. Army Corps of Engineers, New York District (District) response to your comments are provided below.

Green Acres

The District has provided Ms. Maude Snyder the GIS shape files and currently is discussions to address potential impacts to lands within Green Acres jurisdiction.

Air Planning

General Comment Response: The HSGRR/EA as part of its air conformity analysis, considered emissions associated with the transportation of material to armor the floodwalls.

Comment #1 Response: The Joseph G. Minish Passaic River Waterfront Park and Historic Area (Minish Park) is a separate project and is not part of the Passaic River Tidal Feasibility study. The Minish Park project conducted an air analysis that showed the emissions of the Minish Park during construction and operation would not exceed the *de minimis* thresholds for the criteria pollutants. If you have further questions regarding the Minish Park Project, please contact Diana Kohtio at 917-790-6197 or diana.m.kohtio@usace.army.mil.

Comment #2 Response: The comment discussion related to armoring in the Engineering Appendix refers to the National Economic Development Plan (NED) which is not recommended for implementation. Please note that the selected plan is not considered the NED plan, but the Locally Preferred Plan (LPP) recommended by NJDEP's Bureau of Dam Safety and Flood Control.

The New York District appreciates your agency's review of the HSGRR/EA and support of the proposed project. Should you require any additional information, please contact Project Biologist, Mr. Matthew Voisine of my staff at (917) 790-8718.

Sincerely,

Peter Weppeler
Chief, Environmental Analysis Branch

From: [Hecht, Dana](#)
To: [Voisine, Matthew F CIV USARMY CENAN \(US\)](#)
Cc: [Shea, Jason A CIV USARMY CENAN \(US\)](#)
Subject: [Non-DoD Source] Passaic Tidal Protection Area Coastal Storm Risk Management Study - Public Comment
Date: Monday, 4 March, 2019 03:35:34 PM

Good afternoon Matthew-

Below please find the Port Authority's response to the General Reevaluation to the Army Corp's floodwall project:

PANYNJ is currently planning the PATH Extension to Newark Airport project. The PATH Extension to Newark Airport project contemplates an alternative in this same vicinity. PANYNJ requests further coordination with USACE as both projects progress in planning, design and construction to insure the proposals and projects are implemented in a manner so and not to constrain, undermine or preclude an environmentally preferred alternative and to ensure the two projects don't impede each other in the temporary or permanent conditions.

Dana Hecht, PMP
Program Director
Major Capital Projects / World Trade Center Construction (MCP/WTCC)
The Port Authority of NY & NJ
80 Pine St., 7th Flr.
New York, NY 10005
Office (212) 435-5317
Cell (347) 802 - 6550

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February 27, 2019

Mr. Matthew Voisine
Biologist
U.S. Army Corps of Engineers, New York District Planning Office
Environmental Analysis Branch (Attn: Mr. Matthew Voisine)
26 Federal Plaza
New York, NY 10278-0090

RE: Newark, Essex County, Harrison and Kearny, Hudson Co., New Jersey - Revised Draft Integrated Hurricane Sandy General Reevaluation Report & Environmental Assessment – Passaic River Tidal Protection Area, New Jersey Coastal Storm Risk Management Feasibility Study [January 2019], Lehigh Line, Poinier Street Yard, LC10-0601, MP10.95 to MP 10.79, Passaic and Harsimus Line, LC10-1421, MP7.40 and Oak Island Yard, LC10-0601, MP8.60, CSAO-North Jersey District

Dear Mr. Voisine:

Referencing the U.S. Army Corps of Engineers (USACE) study entitled “Revised Draft Integrated Hurricane Sandy General Reevaluation Report & Environmental Assessment - Passaic River Tidal Protection Area, New Jersey Coastal Storm Risk Management Feasibility Study” dated January of 2019, Conrail has reviewed the report and found the proposed improvements on its property and affecting its operation, to be unacceptable and marked “**NOT APPROVED**”. Conrail has drafted a response to the aforementioned report and its comments are as follows:

- 1) Multiple operating Railroads have jurisdiction within the proposed limits of the report. Several railroads were not properly identified. Identify Conrail Right of Way on any drawing where Conrail tracks are shown. To obtain Conrail Real Estate Maps contact Conrail Real Estate Manager Anthony Taylor at (856) 231-2425.
- 2) The defined study area as seen in Figure 2, as well as other figures within the report, did not include Conrail’s most prominent serving yard, nor was Conrail contacted with regards to being included in the study. Provide data that confirms that Conrail will not be adversely impacted as a result of this work.
- 3) Provide detailed drawings for the following locations that identify Conrail’s tracks and what section of each track will be in the flood zone for both the existing and proposed conditions. The drawings should include limits of proposed structures including sub-structures and limits of excavation required for installation:

- a) Segment 1: Floodwall and Closure Gate at Frelinghuysen Avenue. Conrail Lehigh Line operations cannot be disrupted in the event the flood gate should be closed at this location. What conditions will be created by the closing of this flood gate and how does that affect Conrail?
 - b) Segment 2a: Floodwall along PATH and Poinier Street Yard. Conrail has existing freight customers on the west side of the proposed floodwall. Design drawings will have to be submitted for review and approval indicating how the existing operation will be maintained and that the proposed floodwall is capable of supporting Cooper E-80 Railroad loading and providing proper clearances to the track.
 - c) Segment 2b: Floodwall and Closure Gate at NJT/Amtrak. The flood gate across the Passaic and Harsimus line, as shown at this location is not acceptable. Conrail will **NOT** allow a condition to exist where its mainline operation will be blocked. Conrail is currently in the design phase of upgrading this segment of track and the number of trains using this segment will increase dramatically.
 - d) Segment 3: Levee at NJ Turnpike. The proposed levee at this location is shown constructed into the main access road of Conrail's Oak Island Departure Yard.
- 4) Any segment or portion of a floodwall, levee, or other flood mitigation structure that falls on Conrail property will require a license agreement.
 - 5) Any structure constructed must comply with Conrail Standard Plan #70051G – Minimum Roadway Clearances.
 - 6) Provide erosion control details for construction of any and all structures.
 - 7) Provide cross section at 50 foot stations for work along Conrail's tracks showing existing and proposed conditions.
 - 8) Provide details including a cross section, elevation, and plan view of all proposed structures.
 - 9) Provide details pertaining to the means and methods in which all storm drainage structures and T-Walls will be installed, especially at points that run perpendicular or parallel to embankments carrying Conrail's tracks (Segments 1, 2a, and 2b).
 - 10) Any dewatering procedures must direct the water away from Conrail's track structure.
 - 11) Provide details for any temporary or permanent changes to any access roads, in particular that access road along Conrail's Oak Island Departure Yard (Segment 3). Access to the proposed structures that are required on Conrail property will require a License Agreement and proper fencing and gates where necessary.
 - 12) Provide minimum horizontal distance between Conrail's tracks and any T-Wall monoliths.

- 13) Provide minimum horizontal distance between Conrail's tracks and any storm drainage structures (pipes or otherwise). All storm drains shall be directed away from Conrail property and not increase the existing flow of storm water flow onto Conrail property.
- 14) Access to Conrail property for any reason, will require a Permit to Enter obtained from Conrail's Design & Construction Department. This includes proof of insurance, safety training, and applicable fees. See attached copy of Conrail's CE-6 specifications.
- 15) Any work that is approved by Conrail and will be performed by a Contractor will require the owner of the proposed facilities to enter into a Construction Agreement with Conrail. The Construction Agreement will cover Conrail's cost for Engineering Submittal review, Construction Oversight, and Flagman. This will be separate from License Agreements required for the permanent occupation of facilities on Conrail property.
- 16) Any soil excavated on Conrail property will have to be managed in accordance with an approved Excavated Material and Groundwater Management Plan (EMGMP), draft attached.
- 17) Conrail will require a Preliminary Engineering Agreement before it will continue any further reviews associated with this report. Attached is our draft Preliminary Engineering Agreement for your review. Conrail's anticipated cost for review of the design of the project is \$50,000.

Other pertinent Conrail standards and specifications can be found on Conrail's website at the following link:

- <http://www.conrail.com/working-on-conrail-property/>

Should you have any questions, please call Jacob Fenno (856)-231-2031 of my office.


Sincerely,

Ryan Hill
Director – Design & Construction
1000 Howard Blvd., 4th Floor
Mount Laurel, NJ 08054
(856) 231-2016

CC: W. Kaeser
V. Milano
D. Reilly
R. McCall

APPROVED

Jacob F. Fenno

 2-27-19
(Date)

Project Engineer - Design & Construction

CONRAIL 
Consolidated Rail Corporation

J. Fenno
M. Bourassa
F. Monteleon



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

Environmental Analysis Branch

April 3, 2019

Mr. Ryan Hill
Director – Design & Construction
100 Howard Blvd., 4th Floor
Mount Laurel, NJ 08054

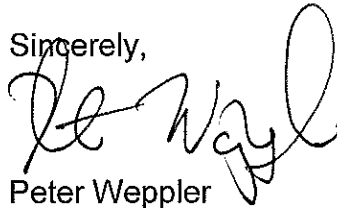
Dear Mr. Hill:

Thank you for your review and providing a comment on the Revised Draft Integrated Hurricane Sandy General Reevaluation Report and Environmental Assessment (HSGRR/EA) for the Passaic Tidal Protection Area Coastal Storm Risk Management Study. The U.S. Army Corps of Engineers, New York District (District) would like to respond to the following comments:

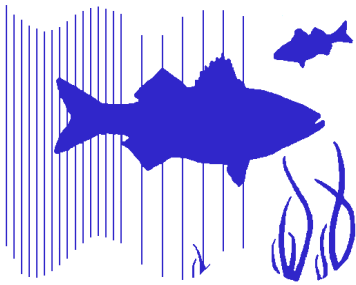
1. The District will contact Mr. Anthony Taylor for the Conrail Real Estate Maps.
2. The District will coordinate with Conrail during the design phase and during construction at least quarterly to ensure no significant adverse impacts.
3. Detailed drawings will be developed during the design phase and shared with Conrail for your review.
4. The District will obtain the license agreement for flood mitigation structures on Conrail property.
5. The District will comply with Conrail Standard Plan #70051G – Minimum Roadway Clearances.
6. An erosion control plan will be developed and submitted to Conrail for your review.
7. Cross sections will be developed and provided for your review during the design phase.
8. Cross section details will include elevation and all proposed structures.
9. Details regarding storm drainage will be developed during the design phase and submitted to Conrail for your review.
10. Dewatering procedures will not be directed toward Conrail's track structures.
11. Impacts to access yards will be provided and follow Conrail's regulations.
12. The District will provide minimum horizontal distance between Conrail's track and the T-wall monoliths.
13. The District will provide minimum horizontal distance between Conrail's tracks.
14. The District will obtain a Permit to Enter for accessing Conrail's property.
15. The District or its Contractor will enter into the Construction Agreement with Conrail.
16. Soil will be managed in accordance with Conrail's Excavated Material and Groundwater Management Plan.
17. The District or its Contractor will enter into a Preliminary Engineering Agreement for further reviews.

The New York District appreciates your time and effort in your review of the HSGRR/EA. Should you require any additional information, please contact Project Biologist, Mr. Matthew Voisine, (917) 790-8718; or Jason Shea, Project Manager, (917) 790-8727.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Weppeler', written over the printed name.

Peter Weppeler
Chief, Environmental Analysis Branch



PASSAIC RIVER COALITION

at Willow Hall

330 Speedwell Ave, Morristown, NJ 07960

Phone: (973) 532-9830

Fax : (973) 889-9170

November 16, 2017

Public Comment Sent via Email to Matthew.voisine@usace.army.mil

Mr. Matthew Voisine
U.S. Army Corps of Engineers
New York District Planning Division- Environmental Analyst Branch
26 Federal Plaza
New York, New York 10278-0090

RE: Questions/Comments on the Draft Integrated Hurricane Sandy General Reevaluation Report & Environmental Assessment (EA) dated Sept. 2017

**Passaic River Tidal Protection Area
New Jersey Coastal Storm Risk Management Feasibility Study**

Dear Mr. Voisine;

The Passaic River Coalition has reviewed the Army Corps of Engineers' draft proposal for the Passaic River Tidal Protection and is generally pleased with its recommendations based on its collaborative engagement with NJDEP and local communities. By focusing this draft on actions that can be implemented in a flood prone area of Newark, with its impacts on transportation and urban populations, we believe the USACE's draft proposal is moving forward in a very positive way that addresses flood surges sensibly and effectively, given changing mean sea level, climate conditions (affecting flood frequency and intensity) and community needs for the implementation of tidal protection for Newark.

We are especially pleased that riverfront access will not be hindered but embellished. We certainly hope this draft proposal is indicative of the direction of the upcoming Passaic Main Stem draft proposal and proves to be as workable a process.

However, the Passaic River Coalition does have these specific comments to the proposal.

1. Wetland Field Delineation:

As discussed on page 48 and 109 of the EA, the extent of wetland impact (0.22 acres temporary and 0.38 acres permanent) was determined using NWI mapping, which has not been field verified at this point. On page 11 of Appendix A, it does state that, "Wetland impact areas would be refined based on field delineation in advance of permit application submittals."

Comment: It would be helpful to acknowledge in the text of the EA that the wetlands will be field delineated and refer to Appendix A.

2. Wetland Mitigation:

On page 11 of Appendix A, it is stated that, "Impact to regulated wetlands would be mitigated as appropriate and in accordance with applicable regulations and permit requirements."

Comment: Have potential mitigation sites been evaluated? Where are the potential sites? Will the mitigation be close to the areas of disturbance?

3. Impacts to Wetland Habitat:

On page 109, the presence of invasive species is referred to having little ecological value.

Comment: Some invasive species have considerable ecological value in terms of habitat and ecosystem services. Have the various species present been individually evaluated to demonstrate their ecological value, and therefore the impacts from losing those values? Our understanding is that Phragmites, for example, has been found to sequester contaminants, nitrogen, and carbon better than Spartina, that it enables marshes to increase their elevation faster, and thus gives them a better chance of keeping up with sea level rise, and that it provides a better buffer against storm surge.

4. Floodwall Height:

Sandy's deepest water elevation in the Study Area was 11.82 ft NAVD88 (pg. 30). Table 5 on pg 31 of the EA shows the average frequency of the 1% flood as 11.82 ft. And on page 66, for the Plan Formulation, it is stated that, "the areas that incur the most repeated damages are within the 1-percent floodplain." Our understanding is that the 14-foot elevation is related to the current Congressional authorization but did not see that point stated.

Comment: We recommend explaining clearly within the text of the EA, generally how the 14 ft NAVD88 elevation was established as the target elevation, and refer to Appendix J.

5. Riparian Zone:

The majority of the area within the project limits has mostly hardened shorelines, which are not conducive to biological diversity. Projects that would increase the amount of soft shorelines like marshes, or "living shorelines" are always preferable to bulkheads, sea walls, or rip-rap, where feasible. On page 10 of Appendix A, it states that, "With mitigation for impacts to riparian zone vegetation consistent with requirements of NJDEP Flood Hazard Area Control Act Rules, the Proposed Action would be consistent with this policy."

Comment: Will there be any opportunities through riparian zone mitigation to not only compensate for impacts from this project in accordance with the NJDEP Rules, but additional "soft" riparian zone improvements as an additional flood control improvement?

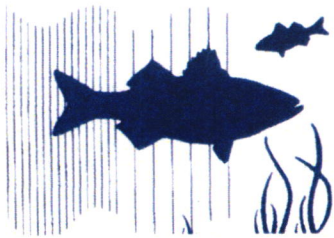
6. General Corrections:

Page 53, "PCBs" are referred to as "poly-chloral benzoate". They are "polychlorinated biphenyls."

Page 34 – the word "Section" should be replaced with the word "Chapter"

Sincerely,

Laurie Howard
Executive Director



PASSAIC RIVER COALITION

at Willow Hall

330 Speedwell Avenue, Morristown, NJ 07960

Phone: (973) 532-9830

Fax: (973) 889-9172

March 1, 2019

Public Comment Sent via Email to Matthew.voisine@usace.army.mil

Matthew Voisine
U.S. Army Corps of Engineers
New York District Planning Division- Environmental Analyst Branch
26 Federal Plaza
New York, New York 10278-0090

**RE: Questions/Comments on the Revised Draft Integrated Hurricane Sandy General
Reevaluation Report & Environmental Assessment (EA) dated January 2019**

**Passaic River Tidal Protection Area
New Jersey Coastal Storm Risk Management Feasibility Study**

Dear Mr. Voisine:

The Passaic River Coalition has reviewed the Army Corps of Engineers' revised draft proposal for the Passaic River Tidal Protection and recognizes the value of its recommendations, focused on indirect (flanking) flooding of the Newark Ironbound area, based on its collaborative engagement with NJDEP and local communities. We believe the USACE's draft proposal is moving forward in a very positive way that addresses flood surges sensibly and effectively, given changing mean sea level, climate conditions (affecting flood frequency and intensity) and community needs for the implementation of tidal protection for sections of Newark. We applaud the Corps for its very deliberative inclusion of sea level rise projections in the planning. As the Corps has recognized, sea level rise is ongoing and will increase risks in this area.

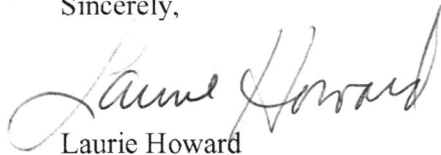
However, the Passaic River Coalition remains concerned that the Locally Preferred Plan will address only a limited, though important, portion of the overall storm surge flooding damages in the study area. We recognize that the NJDEP did not recommend implementation of the full NED plan due to concerns about site contamination in affected areas that would require implementation of expensive remedial actions by either the State funding or responsible parties, as required for Corps implementation. In addition, the ongoing updates of sea level rise projections and their implications for storm surge in these areas raise major questions about the long-term future of the tidal Passaic.

Revitalization of these long-contaminated areas, with residential communities that have suffered ongoing environmental harms, will require a more long-term, visionary, collaborative process than is typically possible through Corps of Engineers studies. We encourage the Corps to work with NJDEP, Essex and Hudson Counties, the local municipalities and the neighborhoods and other critical interests to pursue such a process, leading to a multi-component approach to long-term revitalization of the communities in ways that benefit existing residents, and which will be resilient in the face of ongoing sea level rise and climate change. Key factors of a planning process would be:

- Thorough identification of contaminated sites that will require remedial action, and an evaluation of opportunities and shortfalls for a sequenced cleanup of sites so that additional components of flood damage reduction may be implemented where appropriate.
- Updated assessments of climate change and sea level risks for the area, providing not only scenarios but also “tail-end” risks that could confound ongoing revitalization efforts.
- Revitalization planning involving all appropriate interests from neighborhood to federal levels, to address the full spectrum of environmental, flood risk, neighborhood and economic issues in context. We need to plan for individual projects and initiatives in a manner that integrates other issues and initiatives.
- Full recognition that Newark, Kearny and Harrison are river towns and can benefit tremendously or be damaged tremendously by the extent to which the rivers become assets or are treated only as threats to the area.

We recognize that these comments are outside the formal scope of the EA. However, we wish to put them on record in hopes that they help stimulate a conversation in the near future.

Sincerely,



Laurie Howard
Executive Director

C: The Hon. Ras Baraka, Mayor, City of Newark
The Hon. Alberto G. Santos, Mayor, Town of Kearny
The Hon. James A. Fife, Mayor, Town of Harrison
Dave Rosenblatt, NJDEP
Ginger Kopkash, NJDEP
Elizabeth Semple, NJDEP
Drew Curtis, Ironbound Community Corporation



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
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NEW YORK NEW YORK 10278-0090

Environmental Analysis Branch

April 3, 2019

Ms. Laurie Howard
Executive Director
Passaic River Coalition
330 Speedwell Avenue
Morristown, NJ 07960

Dear Ms. Howard:

Thank you for your review and providing comments on the Revised Draft Integrated Hurricane Sandy General Reevaluation Report and Environmental Assessment (HSGRR/EA) for the Passaic Tidal Protection Area Coastal Storm Risk Management Study. The U.S. Army Corps of Engineers, New York District (District) will be documenting your comments for the record but would like to respond briefly to address your concerns.

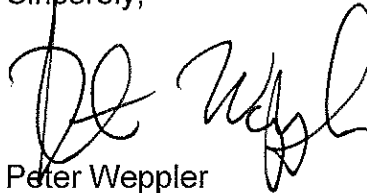
The District is addressing flood risk management in the sections of Newark, Harrison, and Kearny that were not included within the selected alternative for the Passaic Tidal Study with the NY & NJ Harbor and Tributaries Focus Area Feasibility Study (HATS). The HATS study also includes; the New York & New Jersey Harbor and tidally affected tributaries encompassing all of New York City, the Hudson River to Troy, NY; the Hackensack, Rahway, and Raritan Rivers; and the Upper and Lower Bays of New York Harbor, Newark, Jamaica, Raritan and Sandy Hook Bays; the Kill Van Kull, Arthur Kill and East River tidal straits; and western Long Island Sound. As part of the HATS study, the District plans to work with the state and local officials to address the need for flood risk management in areas that are contaminated. The HATS study is also including updated assessments of risks from sea level change. More information on the HATS study can be found here: <https://www.nan.usace.army.mil/Missions/Civil-Works/Projects-in-New-York/New-York-New-Jersey-Harbor-Tributaries-Focus-Area-Feasibility-Study/>.

As your organization is aware, the District, in partnership with the U. S. Environmental Protection Agency, co-leads the Urban Waters Federal Partnership. The Urban Waters Federal Partnership, in cooperation with state, municipal, and non-governmental organizations is seeking to advance coordinated stewardship (including clean up and restoration) of the Lower Passaic River and equitable, sustainable development along its banks. This partnership will benefit all parts of Newark, not just the portion discussed within the HSGRR/EA by identifying and prioritizing projects within the Lower Passaic River community. More information on the Urban Waters Federal Partnership can be found here:

<https://www.epa.gov/urbanwaterspartners/urban-waters-and-passaic-rivernewark-new-jersey>.

The New York District appreciates your organization's interest regarding the proposed project. Should you require any additional information, please contact Project Biologist, Mr. Matthew Voisine of my staff at (917) 790-8718.

Sincerely,

A handwritten signature in black ink, appearing to read 'Peter Weppeler', written over a horizontal line.

Peter Weppeler
Chief, Environmental Analysis Branch

November 15, 2017

COL Thomas D. Asbery
U.S. Army Corps of Engineers, New York District
Planning Division-Environmental Analysis Branch
26 Federal Plaza, New York, New York 10278-0090
(Attn: Mr. Matthew Voisine)
RE: Passaic Tidal Protection Area Coastal Storm Risk Management Study

Dear Colonel Thomas Asbery,

As a community-based organization in a neighborhood that has been plagued by air, water, and land contamination, the outcomes of this project are deeply important to us and our constituency. The Ironbound Community Corporation (ICC), founded by residents in 1969, is a multi-service, community-based organization rooted in and representative of the ethnically diverse Newark neighborhood of Ironbound. Guided by the principles of justice and equity for all, ICC's mission is to engage and empower individuals, families and groups in realizing their aspirations and, together, work to create a just, vibrant and sustainable community. Today, ICC services more than 800 people daily with comprehensive programming and advocacy around equity and justice issues.

While the Ironbound neighborhood was initially named for the many forges and foundries and the railroads that surrounded the neighborhood in the 19th century, today industrial areas sit adjacent to dense residential development and have led to serious public health consequences for Ironbound residents. For this reason, ICC has worked to improve the quality of air, water and green space in our community. Local residents and stakeholders have worked for decades on the cleanup of the lower Passaic River and the development of a Riverfront Park in Newark. Our community saw first-hand the devastation caused by Hurricane Sandy and know the grave dangers presented by climate change and sea level rise.

Given this deep interest and history of addressing environmental justice issues in the Ironbound community, we provide the following formal comment on the above-referenced project:

- While the study does show that the flooding from storm surge will be mitigated in portions of the community, the entire northeastern end of Ironbound will remain susceptible to flooding. The study claims that this area is industrial; in doing so, the study ignores or actually fails to understand that hundreds of households have also occupied the area for decades, and in some cases, more than a century. This part of Ironbound is commonly referred to as "The Island", a mix of public housing, working class homes, businesses and industry that provide



ADMINISTRATION
317 Elm Street
Newark, NJ 07105
973-465-0555

EARLY LEARNING CENTER
1 New York Avenue
Newark, NJ 07105
973-589-6873

**FAMILY SUCCESS CENTER-
WEST**
317 Elm Street
Newark, NJ 07105
973-465-0555

COMMUNITY CENTER
432 Lafayette Street
Newark, NJ 07105
973-465-0947

**FAMILY SUCCESS CENTER-
EAST**
29 Cortland Street
Newark, NJ 07105
973-344-5949

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-Ironbound Extension Center
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Urban Agriculture*

www.ironboundcc.org
info@ironboundcc.org

jobs for local people, and parks. The public housing in this area includes hundreds of African-American and Latino families. More must be done to mitigate flooding for this particularly vulnerable part of Ironbound. Ignoring or disregarding this largely low-income and people of color community may constitute an environmental injustice.

We look forward to your prompt attention to this issue.

Sincerely,

A handwritten signature in cursive script, reading "Joseph Della Fave". The ink is dark and the signature is fluid, with a large initial 'J' and a stylized 'F'.

Joseph Della Fave
Executive Director

PLANEWARK

50 PARK PLACE, 10TH FLOOR
NEWARK, NJ 07102
PLANEWARK@NJAPPLESEED.ORG
NJAPPLESEED.ORG/PLANEWARK
(973) 878-9940

November 14, 2017

Matthew Voisine
U.S. Army Corps of Engineers
New York District Planning Division-Environmental Analysis
26 Federal Plaza
New York, New York 10278-0090

Re: Draft Integrated Hurricane Sandy General Reevaluation Report
Passaic Tidal Protection Area Coastal Storm Risk Management Study

Dear Mr. Voisine;

The following are comments regarding the HSGRR/EA for the Passaic Tidal Protection Area Coastal Storm Risk Management Study as it pertains to the measures being proposed in the City of Newark.

The site noted as "Element 6" located along Edison Place just east of Newark Penn Station should be reconsidered. This site is a fundamental piece to future planning and emergency response in Newark's Ironbound neighborhood. If the proposed floodwall and gate is constructed as proposed, Peter Francisco Park and Raymond Plaza East would be allowed to flood during extreme weather. This will have the effect of cutting pedestrians off from access to Newark Penn Station, a vital link to points beyond the neighborhood and Newark if an evacuation were necessary. Additionally, trucks and emergency vehicles would not be able to travel across Raymond Plaza East on Market Street, which will impact commerce and emergency response in the area. In addition, the new wall will prevent any connection to a planned private development or public space between Peter Francisco Park and the property south of Edison Place (currently a parking lot), which may mitigate flooding through landscaped infiltration basins and other strategies.

This location will also be significantly transformed in the near future. Newark's plans for Mulberry Commons (including a pedestrian bridge across the railroad) and Peter Francisco Park are being formulated at this moment. Construction of Phase 1 of Mulberry Commons has already commenced and Phase 2, which includes the bridge, is slated to begin thereafter. This will directly impact the watershed in the area, which may render the current plan obsolete by the time it is released.

Please consider these comments in the current study. The future of this area is uncertain; any action taken at this location in accordance with this plan may have a large effect on future land-use planning.

Sincerely,



Tyler Tourville, Chair of PLANewark



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

REPLY TO
ATTENTION OF

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 Box 420
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.

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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.

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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 (Enclosure 3)

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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 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.

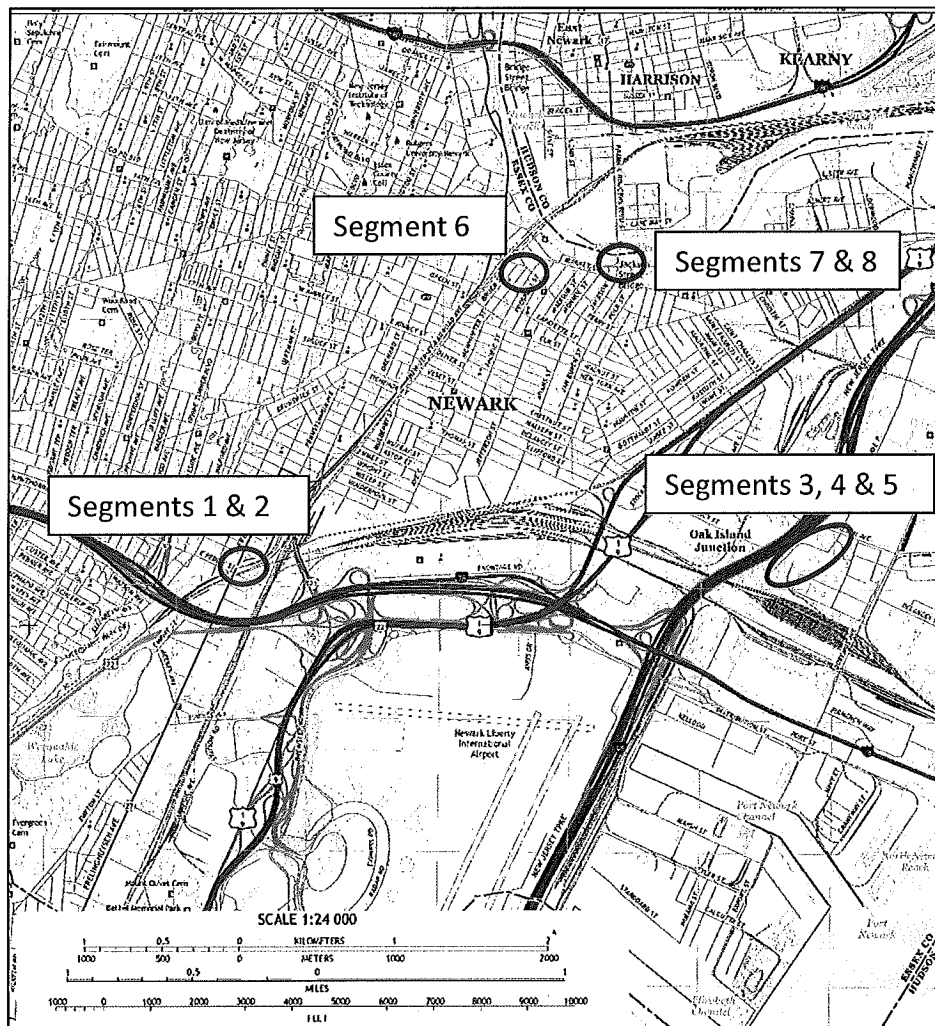
Please review the enclosed documents and provide Section 106 comments, pursuant to 36 CFR 800.5. If you or your staff require additional information or have any questions, please contact Lynn Rakos, Project Archaeologist, at (917) 790-8629

Sincerely,

A handwritten signature in black ink, appearing to read "Peter M. Wepler", is written over a horizontal line.

Peter M. Wepler
Chief, Environmental Analysis Branch

Enclosures



Enclosure 1. USGS Elizabeth, NJ-NY 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
1	a. LVRR HD (NAE)	a. no	a. Newark City Sewer System b. Peddie's Ditch c. LVRR-related resources	a. yes b. yes c. yes
2	a. LVRR HD (NAE) b. PRR HD (NAE) c. PRR NYBB (NAE)	a. no b. yes c. no	None	no
3	a. LVRR HD (NE) b. LVRR Oak Is. Yard (NE) c. PVSCNBOSW (NE)	a. no b. no c. no	None	no
4	a. 106 Rutherford Pl. (NE) b. PVCNBOSW (NE)	a. yes b. no	None	no
5	PVSCNBOSW (NE)	no	None	no
6	a. PRR HD (NAE) b. Newark Penn Sta. (NAE w/ TP) c. Second Reformed Dutch Church & Rectory (NE) d. Ironbound Trust Co. (NE)	a. yes b. yes c. no d. no	Robinson & Roders Company Factory site	yes
7	Jackson Street Bridge (NE)	no	a. Morris Canal HD b. Newark City Sewer System	a. yes b. yes
8	a. Jackson Street Bridge (NE) b. Riverbank Park & Fieldhouse (NE)	a. no b. no	a. Morris Canal HD b. Site 28-Ex-129 c. Newark City Sewer System	a. yes b. yes c. yes
Interior Drainage	TBD	yes	TBD	yes
Other Features	TBD	yes	TBD	yes
NAE = No Adverse Effect, NE = No Effect, AE= Adverse Effect, TP = Treatment Plans, TBD= To Be Determined				

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
Roebbling Chapter, Society for Industrial
Archeology
RCSIAPrez@aol.com



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

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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Enclosure



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

REPLY TO
ATTENTION OF

28 July 2017

Environmental Assessment Section
Environmental Analysis Branch

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

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Peter M. Wepler
Chief, Environmental Analysis Branch

Enclosure



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

REPLY TO
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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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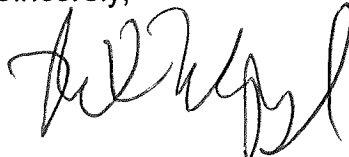
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The Segment 6 wall and closure gate may tie-off at Newark Penn Station and the PRR HD which will have an effect on these historic properties. The effect will not be adverse on the lengthy PRR HD. Construction will directly impact the individually eligible 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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Peter M. Weppler
Chief, Environmental Analysis Branch

Enclosure



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

REPLY TO
ATTENTION OF

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:

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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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Enclosure



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

REPLY TO
ATTENTION OF

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:

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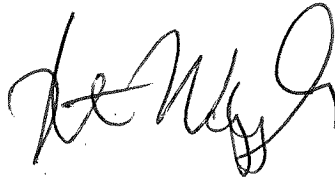
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Enclosure



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

REPLY TO
ATTENTION OF

28 July 2017

Environmental Assessment Section
Environmental Analysis Branch

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

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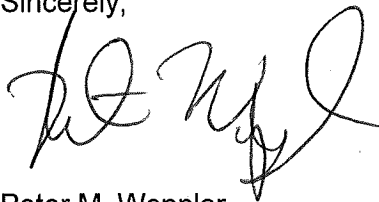
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Sincerely,

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Peter M. Wepppler
Chief, Environmental Analysis Branch

Enclosure



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

REPLY TO
ATTENTION OF

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:

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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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

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Area of Potential Effect (APE)

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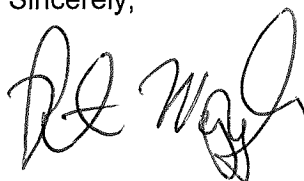
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Enclosure



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

REPLY TO
ATTENTION OF

28 July 2017

Environmental Assessment Section
Environmental Analysis Branch

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

Dear Mr. Dvorak:

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Enclosure



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

REPLY TO
ATTENTION OF

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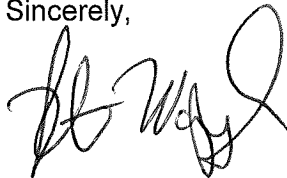
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Should you require additional information or have any questions, please contact Ms. Rakos at (917) 790-8629 or by email at Lynn.Rakos@usace.army.mil.

Sincerely,

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Peter M. Weppeler
Chief, Environmental Analysis Branch

Enclosure



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

REPLY TO
ATTENTION OF

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.

Undertaking

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

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

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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.

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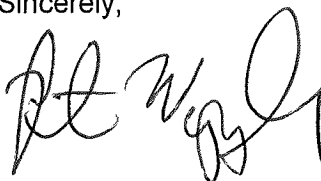
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Enclosure



DEPARTMENT OF THE ARMY
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JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF

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

Dear Mr. Needham:

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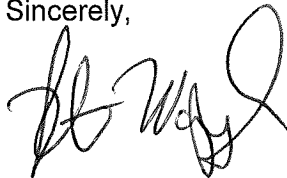
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