

PUBLIC NOTICE

US Army Corps of Engineers New York District Jacob K. Javits Federal Building New York, N.Y. 10278-0090 ATTN: Regulatory Branch

In replying refer to:

Public Notice Number: NAN-2017-01454-WCA Issue Date: January 29, 2018 Expiration Date: February 27, 2018

To Whom It May Concern:

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

APPLICANT:

New Jersey Department of Transportation

1035 Parkway Avenue Trenton, New Jersey 08625

ACTIVITY:

Discharge fill material into waters of the United States to facilitate the construction

and installation of a new approximately 2-mile two lane mixed use roadway

known as the "Route 1 & 9T New Road".

WATERWAY:

Penhorn Creek (Hackensack River Watershed)

LOCATION:

City of Jersey City and Town of Secaucus, Hudson County, New Jersey.

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

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

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

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

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Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. Comments provided will become part of the public record for this permit application. All written comments, including contact information, will be made a part of the administrative record, available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof, may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

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

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

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act (Public Law 104-267), requires all Federal agencies to consult with the National Oceanic and Atmospheric Administration Fisheries Service (NOAA/FS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed work, fully described in the attached work description, could cause the disruption of habitat for various life stages of some EFH-designated species. Further consultation with NOAA/FS regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to the final decision.

Based upon a review of the latest published version of the National Register of Historic Places, there are sixteen site eligible for, or included in, the Register within the permit area, namely the New Jersey Midland Railway/New York Susquehanna and Western Railroad Historic District, the New York Susquehanna and Western Railroad Engine Repair Site, the Erie Railroad Main Line Historic District, the Old Main Delaware Lackawanna and Western Railroad Historic District, the Delaware, Lackawanna and Western Railroad West End Interlocking Tower, the Delaware Lackawanna and Western Railroad Boonton Line Historic District, the U.S. Route 1 and 9 Historic District, the U.S. Route 1 Extension (Pulaski Skyway), the Peoples Gas Light Company/PSE&G Marion Office Historic District, the Roben Company Office Buildings, the St. Peters Cemetery, the Former Covert-Larch Historic District, the Jersey City Water Works Historic District, the Jersey City Water Works Pipeline, the New Jersey Railroad Bergen Cut Historic District, and the P. Lorillard Company/American Can Company Historic District. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

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

Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application that the activity complies with, and will be conducted in a manner that is consistent

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with, the approved state coastal zone management program. By this public notice, we are requesting the state's concurrence with, objection to, or waiver of the applicant's certification. No permit decision will be made until one of these actions occurs. For activities within the coastal zone of New Jersey State, the applicant's certification and accompanying information is available from the New Jersey Department of Environmental Protection, Coastal Management Program, P.O. Box 418, 401 E. State Street, Trenton, NJ, 08625, Telephone (609) 633-2201. Comments regarding the applicant's certification, and copies of any letters to this office commenting upon this proposal, should be so addressed.

In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

 (New Jersey Department of Environmental Protection Waterfront Development Permit and Flood Hazard Permit)

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office at (917) 790-8412 and ask for Jim Cannon.

In order for us to better serve you, please complete our Customer Service Survey located at http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx.

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

Stephan A. Ryba

Chief, Regulatory Branch

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Enclosures

WORK DESCRIPTION

The applicant, the New Jersey Department of Transportation, has requested Department of the Army authorization to discharge fill material into waters of the United States to facilitate the construction and installation of a new approximately 2-mile mixed use roadway known as the "Route 1 & 9T New Road" (new road). The proposed new road project area would be located in the City of Jersey City and the Town of Secaucus, Hudson County, New Jersey.

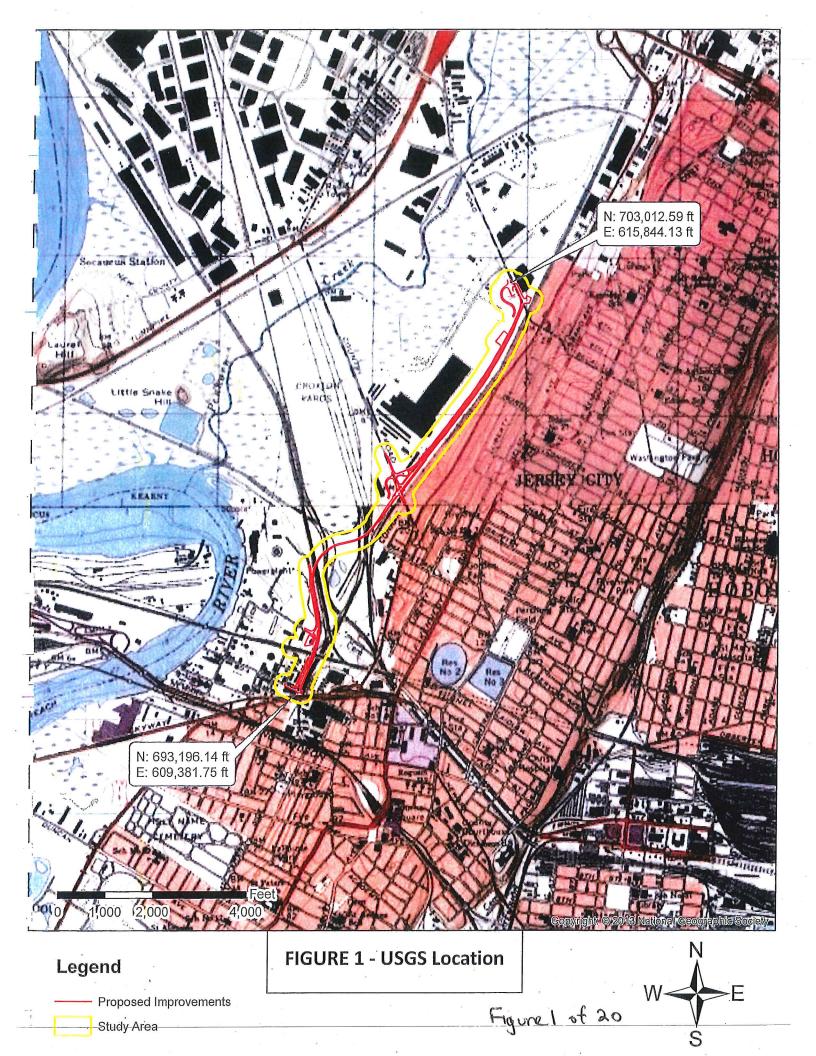
The proposed new road alignment would extend from St. Pauls Avenue (via West Side Avenue), and extend northwest over the New Jersey Transit Main Line and Norfolk Southern Rail Lines (via an elevated structure) in Jersey City, continue north to an at-grade crossing at County Road where it would extend north between the existing Conrail and New York Susquehanna and Western Railroad tracks and the U.S. Postal Service Bulk Mail Facility. The new road would terminate at Secaucus Road, in Secaucus. The new road would provide three main entrance locations, at St. Pauls Avenue, County Avenue, and Secaucus Avenue. The regulated activities associated with the proposed 2-mile new road would include the discharge of approximately 5,900 cubic yards of fill material into 2.202 acres of waters of the United States to facilitate the construction and installation of the following:

- 1. Two 12-foot wide lanes (one in each direction), each with a 15-foot wide outside shoulder, and a 10-foot wide earthen berm extending along each side of the new road (1.095 impact acres);
- 2. Four new bridge structures (0.095 impact acres):
 - a. Structure 1 New Jersey Transit Main Rail Line (87 linear feet);
 - b. Structure 2 New Jersey Transit Wye Track (157 linear feet);
 - c. Structure 3 New road viaduct of the existing New Jersey Transit Main Rail Line and Norfolk Southern Croxton Yard (2,419 linear feet); and
 - d. Structure 4 A new single span (prestressed concrete slab bridge over an existing drainage ditch by Secaucus road (32 linear feet).
- 3. Eight retaining walls ranging from 560 to 4,315 linear feet in length (0.074 impact acres);
- 4. A new outfall structure (0.0001 impact acres);
- 5. The widening of County Road (0.163 impact acres);
- 6. The filling of approximately 4,400 linear feet of an existing open unnamed drainage ditch (0.522 impact acres) situated along the U.S. Postal Service Bulk Mail Facility;
- 7. The relocation of approximately 560 linear feet of the open unnamed drainage ditch (0.055 impact acres) situated along the U.S. Postal Service Bulk Mail Facility; and
- 8. The reconfiguration of Secaucus Avenue (0.198 impact acres).

Additional activities include the widening of County Road, and the relocation of the U.S. Postal Service Bulk Mail Facility driveway at Secaucus Road. A total of approximately 2.63 acres of waters of the United States would be temporarily disturbed as part of the proposed new road construction activities. Upon completion of the road installation activities, the applicant would restore all temporarily disturbed waters of the United States, including wetlands, to preconstruction conditions and the plant the area with native hydrophytic vegetation where appropriate.

To compensate for the 2.202 acres of permanent impacts to waters of the United States associated with the project proposal, the applicant proposes to purchase 2.5 mitigation credits from a federally approved wetland mitigation bank located in the Hackensack Meadowlands District.

The stated purpose of this project is to increase the efficiency of truck traffic moving through the north-south transportation artery (Tonnelle Avenue and U.S. Routes 1 & 9) between Port Newark/Port Elizabeth, the Croxton Rail Yard, the CSX Rail Yard, and points north.

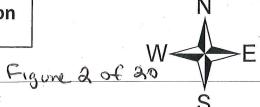




Legend

Proposed Improvements

-Study-Area-



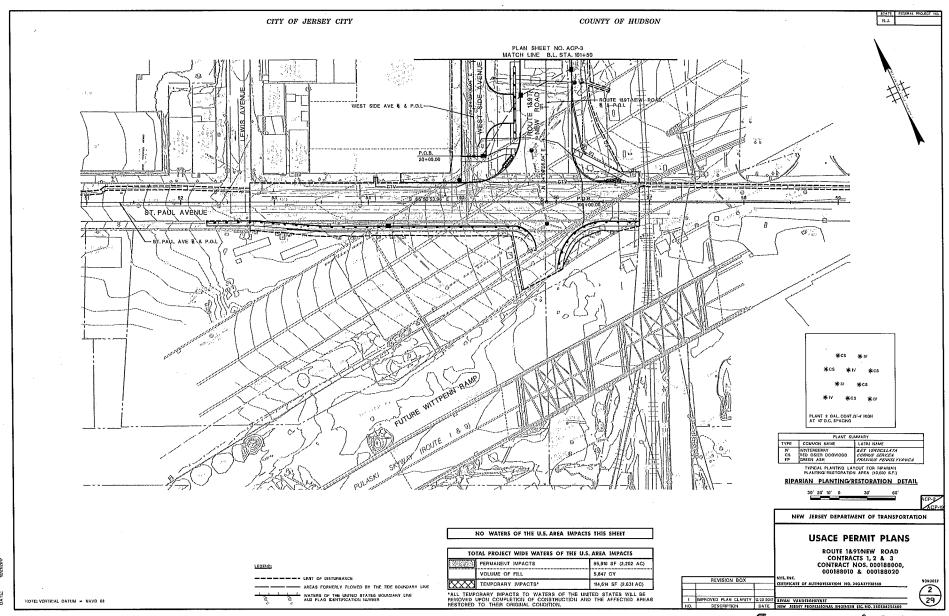


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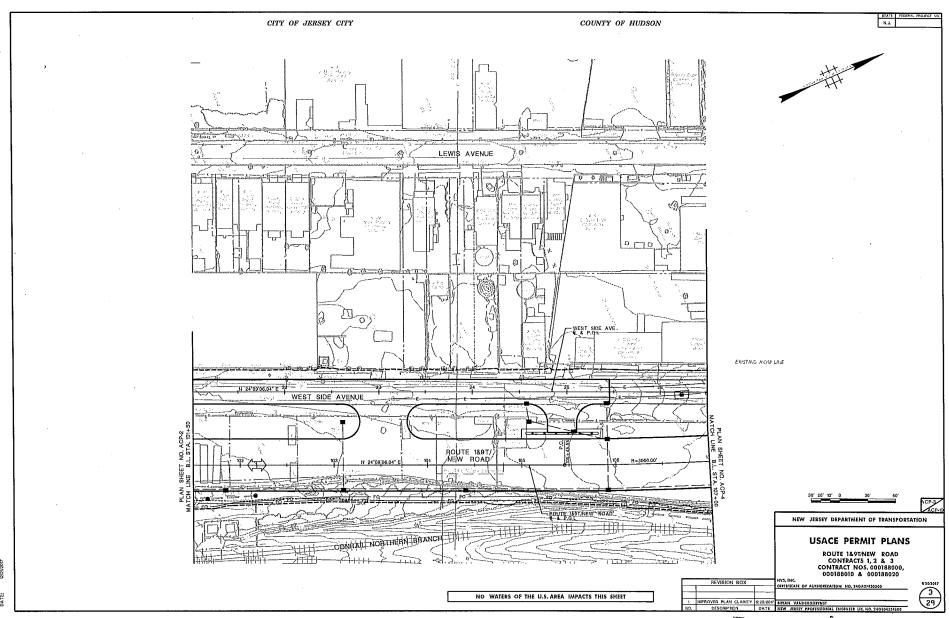


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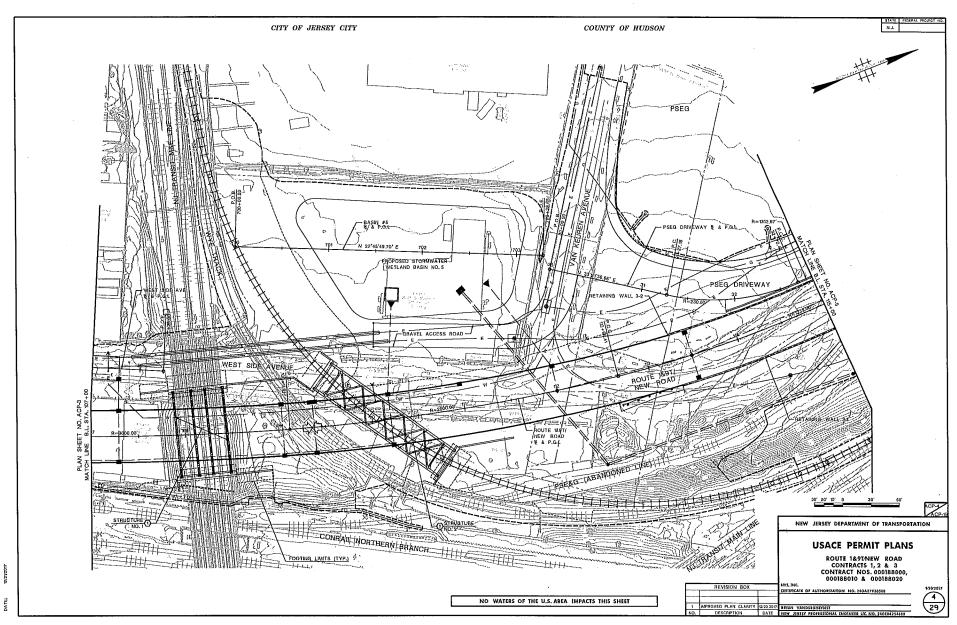


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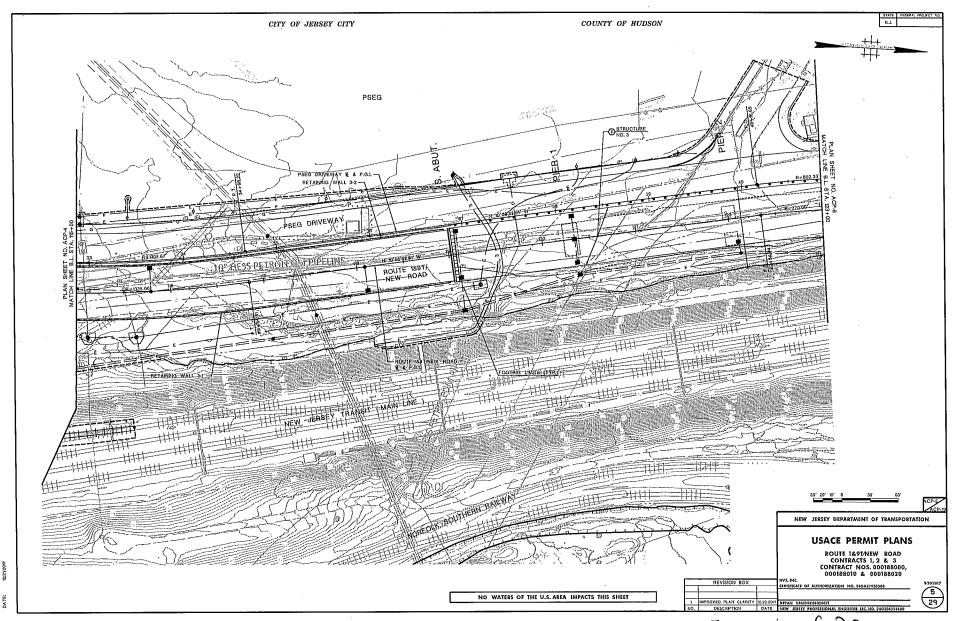


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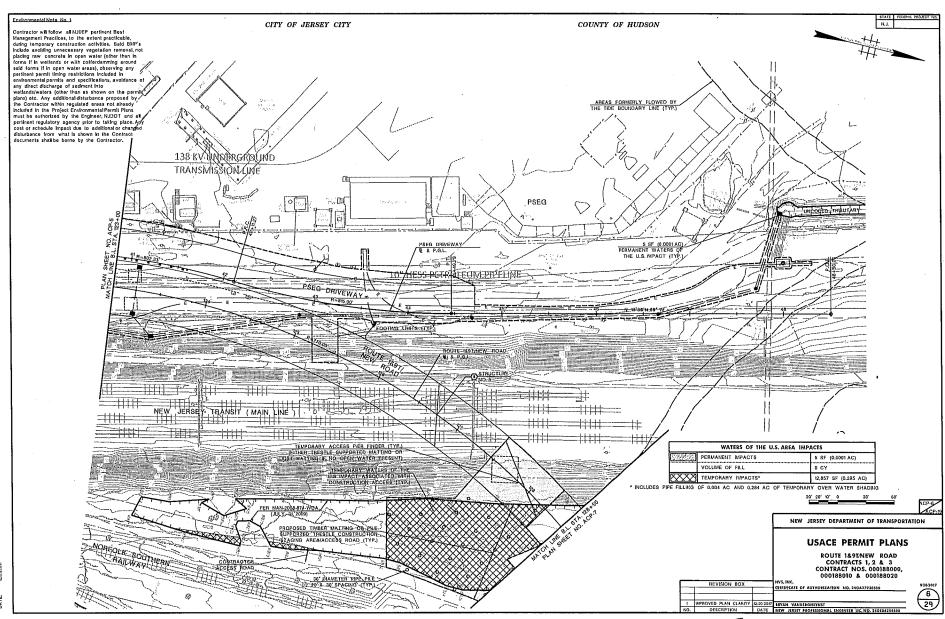


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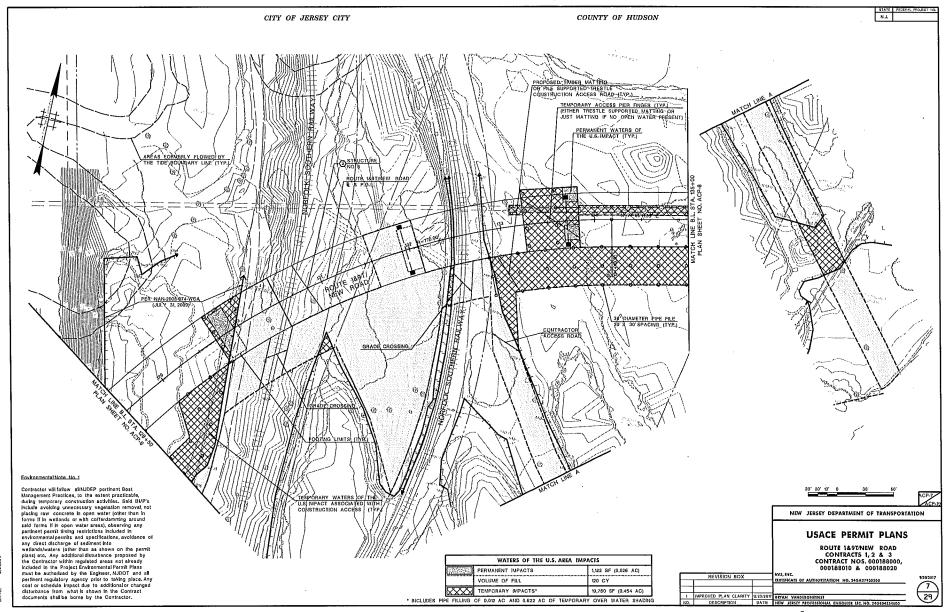


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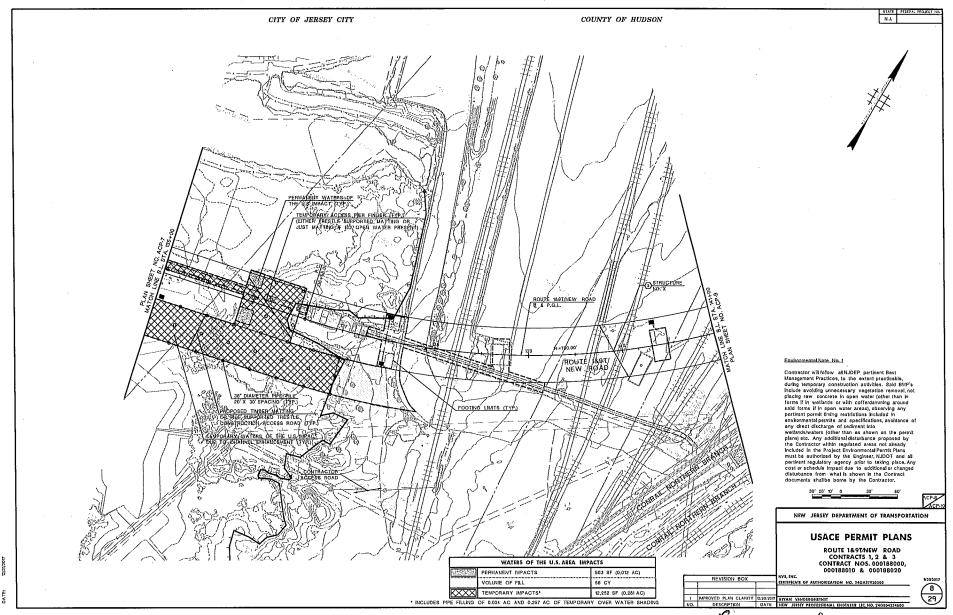


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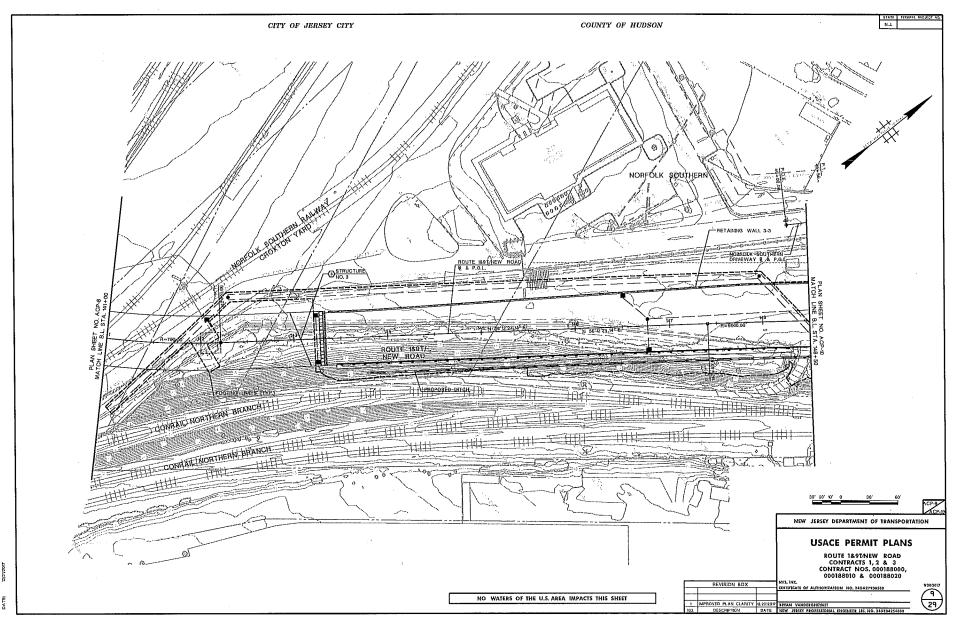


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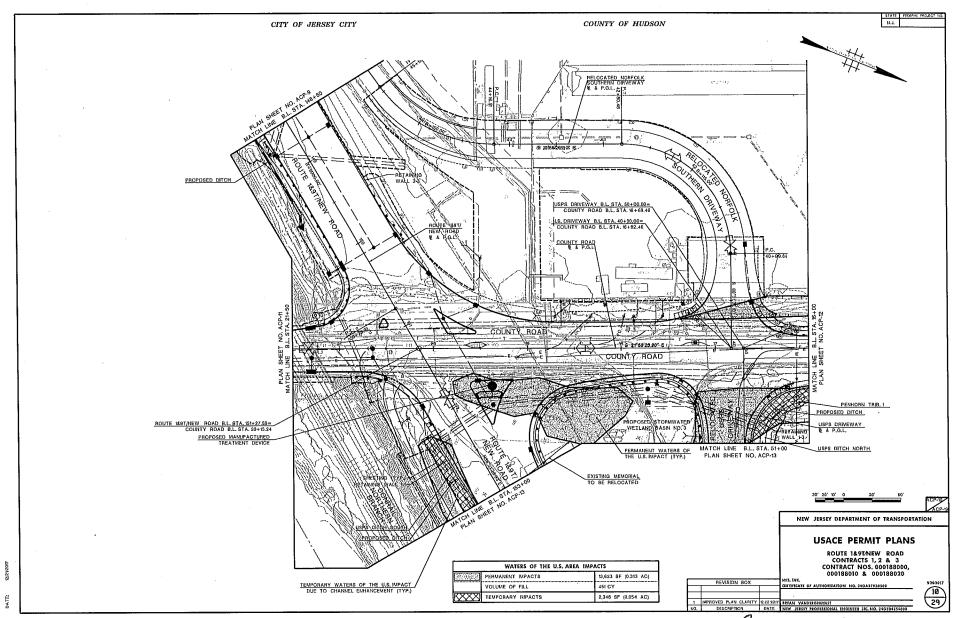


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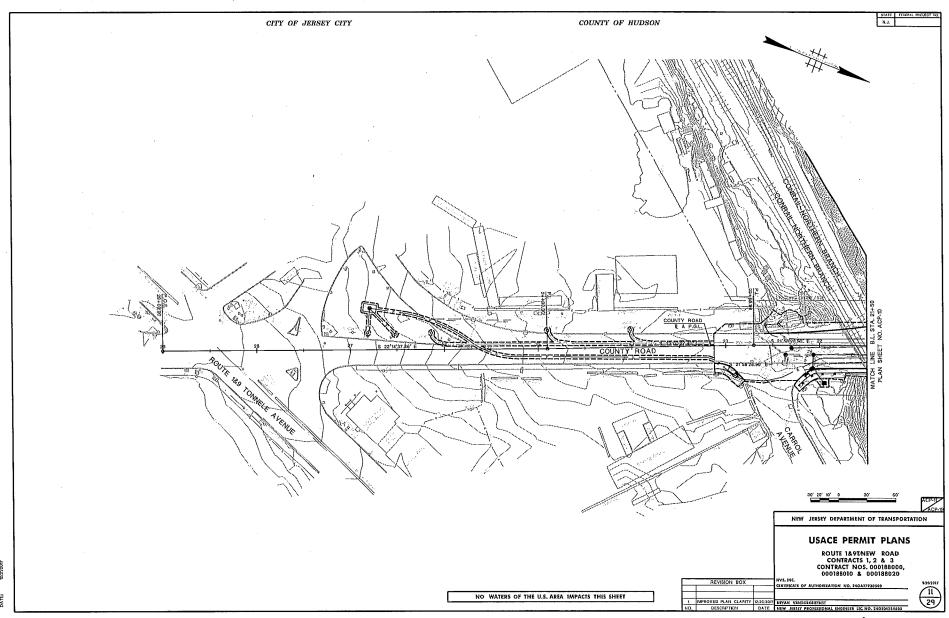


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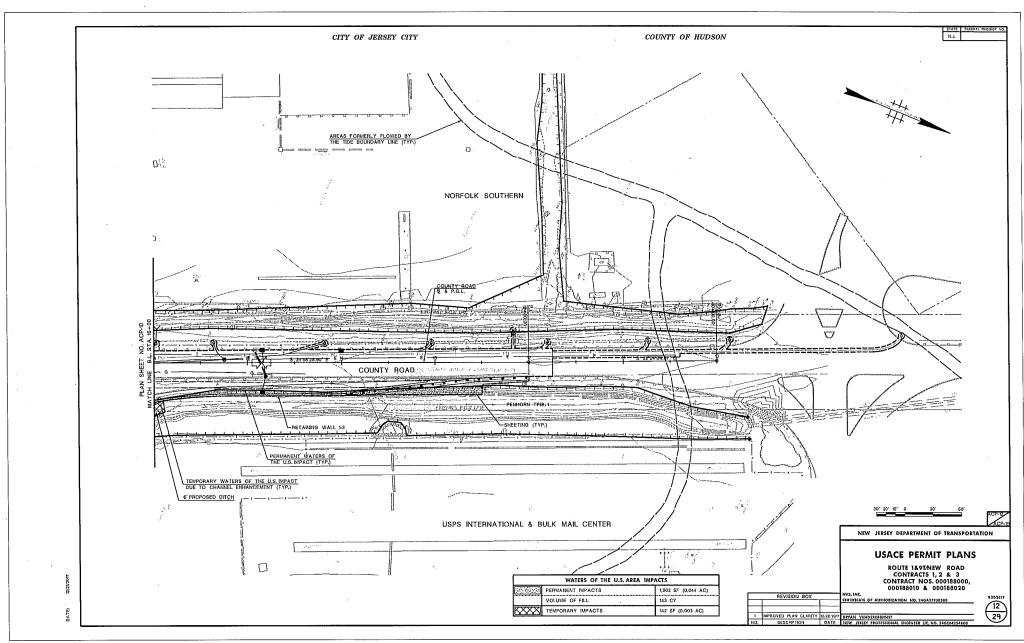


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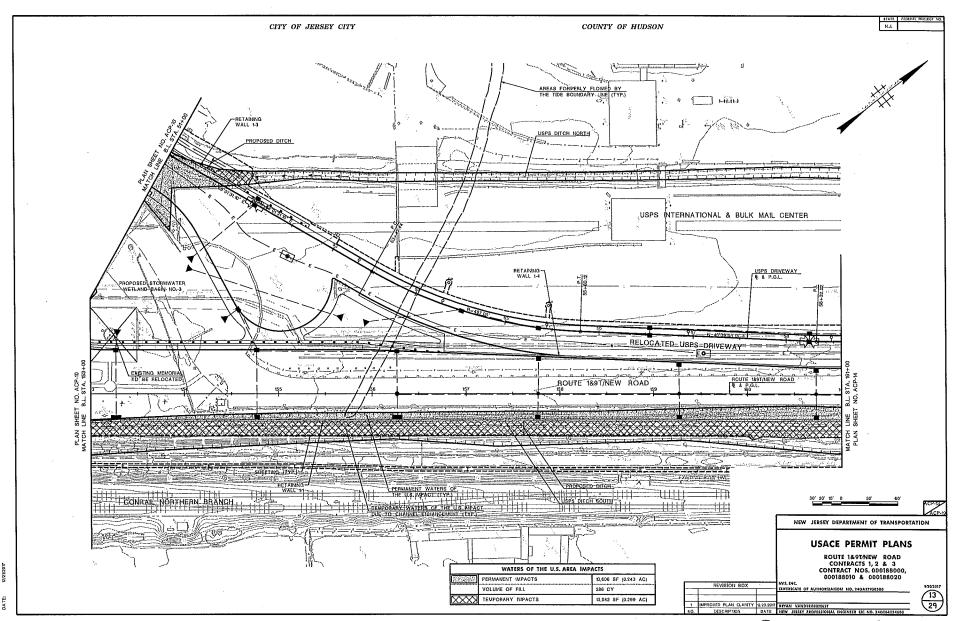


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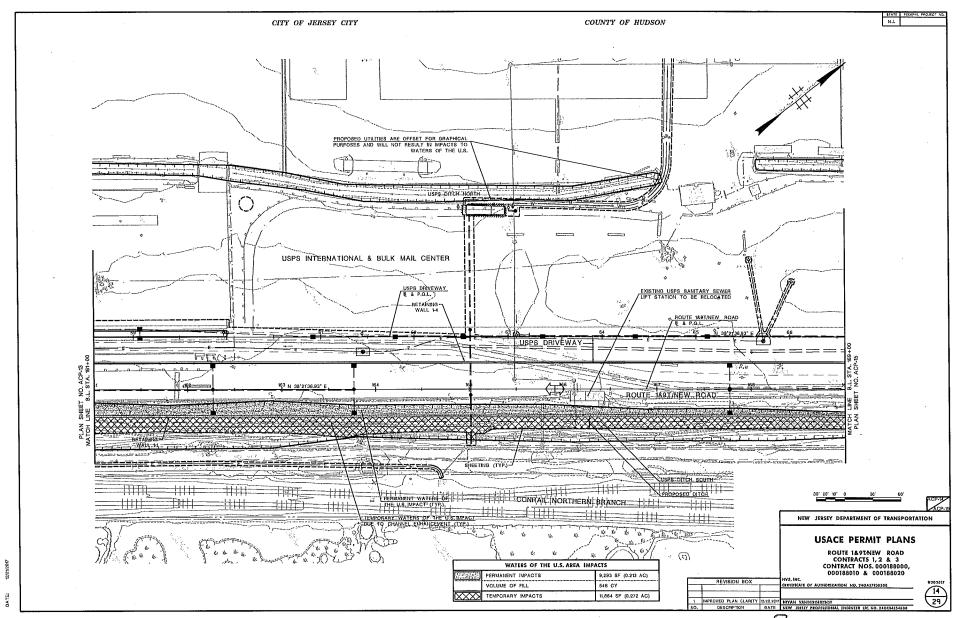


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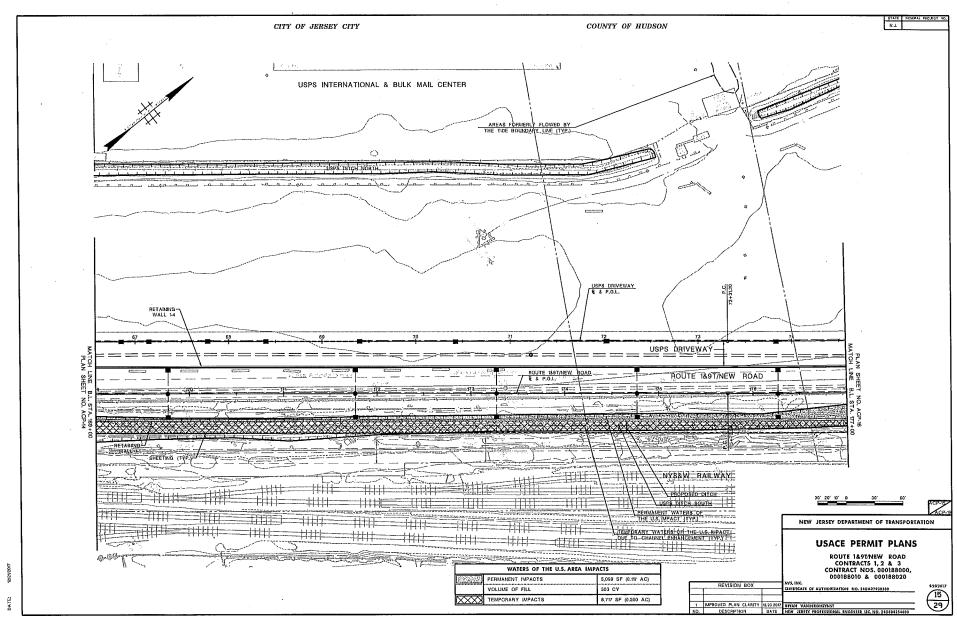


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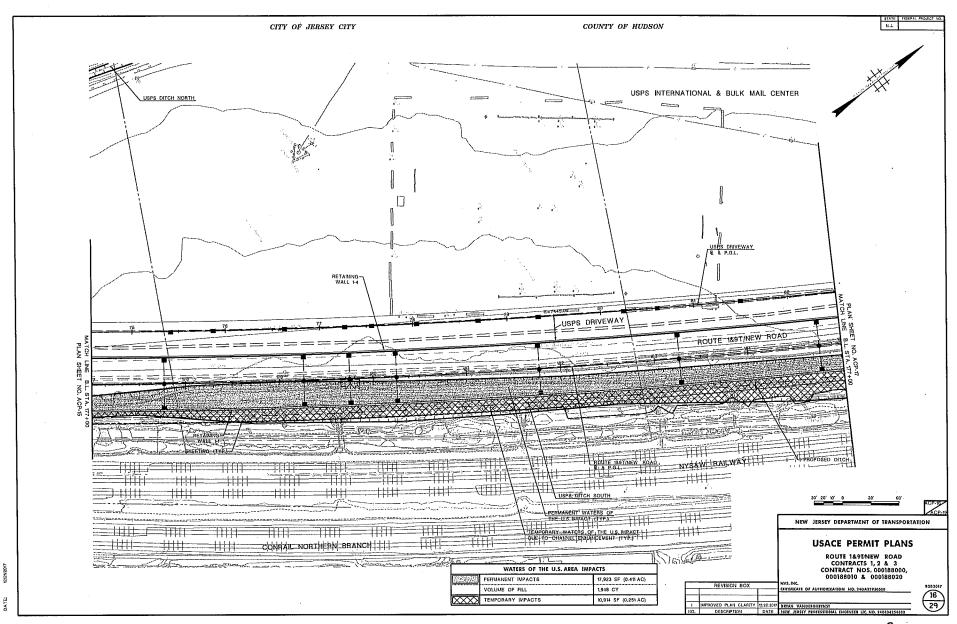


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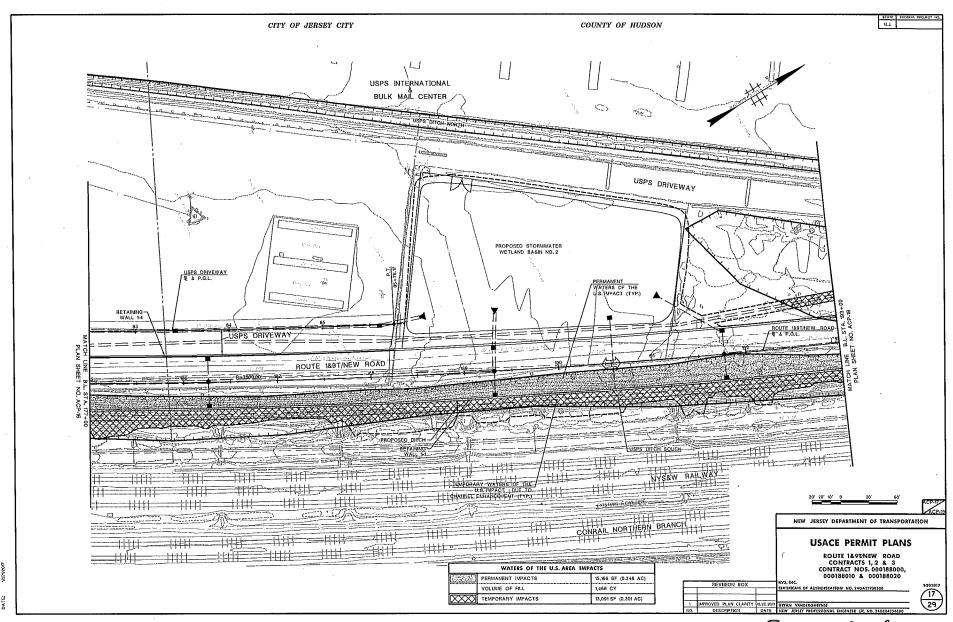


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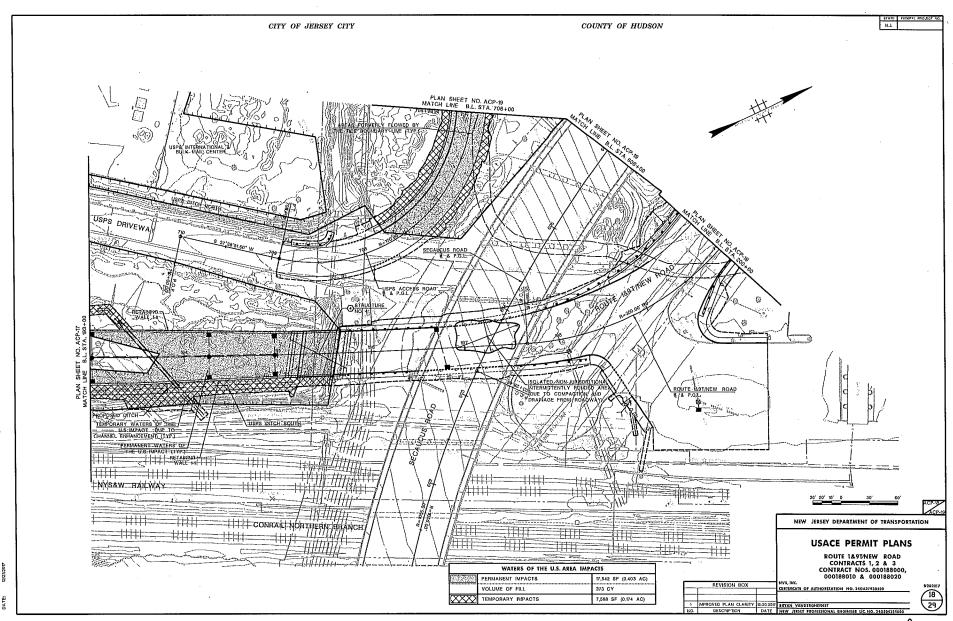


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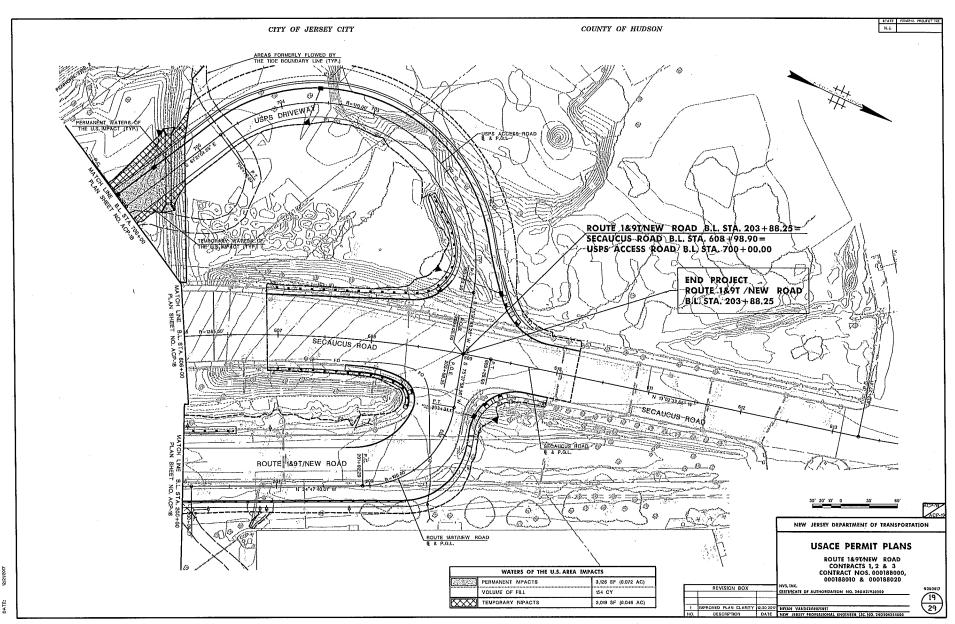


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