

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-2019-01315-EMI**
Issue Date: **July 31, 2020**
Expiration Date: **August 30, 2020**

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: Consolidated Rail Corporation
Attn: William Kaeser
1000 Howard Boulevard, Room 470
Mount Laurel, New Jersey 08054

ACTIVITY: Horizontal Directional Drilling of Three Conduits for Communication, Signal and Electrical Utilities

WATERWAY: Beneath the Passaic River

LOCATION: (40.741667, -74.121672) Cities of Kearny and Newark, Hudson and Essex 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 EMAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

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 email 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 will have no effect to 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 New York District has made the preliminary determination that activity for which authorization is sought herein will have no effect on EFH or EFH-listed species. Further consultation with NOAA/FS regarding EFH impacts and conservation recommendations 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 no known sites eligible for, or included in, the Register within the permit area. 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 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

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PUBLIC NOTICE NUMBER: NAN-2019-01315-EMI

permit decision will be made until one of these actions occur. 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 Conservation

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 or comments concerning this application, please contact Christopher Minck by email at Christopher.W.Minck@usace.army.mil.

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>.

FOR AND IN BEHALF OF
Stephan A. Ryba
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The applicant, Consolidated Rail Corporation, has requested Department of the Army authorization for Horizontal Directional Drilling (HDD) of three conduits containing communication, signal and electrical utilities beneath the Passaic River from the City of Kearny, Hudson County, to the City of Newark, Essex County, New Jersey.

The regulated work would involve the installation of approximately 900-linear feet of three (3) four-inch diameter conduits containing communication, signal, and electrical utilities under the Passaic River. Horizontal Directional Drilling will be begin at an upland jacking pit in Kearny, New Jersey and terminate at an upland jacking pit in Newark, New Jersey. Approximately 161-linear feet of the conduit will be encased in a 20-inch steel conductor casing on the entry (Kearny, New Jersey) side. The conduits will be installed at a minimum depth of 31.5-feet below the authorized channel depth of the Passaic River Federal Navigation Project. Approximately 53.1 square feet (0.001 acres) of wetlands will be temporarily disturbed for the HDD installation equipment.

The applicant has stated that they have avoided, minimized and mitigated for impacts proposed to the maximum extent possible by limiting impacts to wetlands to the smallest area possible, and all disturbed areas will be restored to pre-construction elevations. Additionally, a frac-out plan has been prepared to minimize inadvertent drilling fluid that may return to the surface.

The stated purpose of this project is to improve AT&T and Conrail communication, signaling and electrical utilities.

CONRAIL

HORIZONTAL DIRECTIONAL DRILL UNDER PASSAIC RIVER, CSAO-NORTH JERSEY DISTRICT CITY OF NEWARK, ESSEX COUNTY AND TOWN OF KEARNY, HUDSON COUNTY, NJ U.S. ARMY CORPS OF ENGINEERS NATIONWIDE PERMIT NO. 12 UTILITY LINE ACTIVITIES

INDEX OF DRAWINGS

SHEET #	DRAWING No.	DESCRIPTION
GENERAL DRAWINGS LIST		
1	80E7-NWP12-01	GENERAL LOCATION PLAN - COVER SHEET AND INDEX OF DRAWINGS
2	80E7-NWP12-02	LEGEND AND ABBREVIATIONS
3	80E7-NWP12-03	PROPOSED PLAN SHEET LAYOUT
4	80E7-NWP12-04	PROPOSED PLAN SHEET 1
5	80E7-NWP12-05	PROPOSED PLAN SHEET 2
6	80E7-NWP12-06	PROPOSED PLAN SHEET 3
7	80E7-NWP12-07	HORIZONTAL DIRECTIONAL DRILL PROFILE
8	80E7-NWP12-08	BORING LOGS SHEET 1
9	80E7-NWP12-09	BORING LOGS SHEET 2
10	80E7-NWP12-10	BORING LOGS SHEET 3 AND HANDHOLE DETAILS

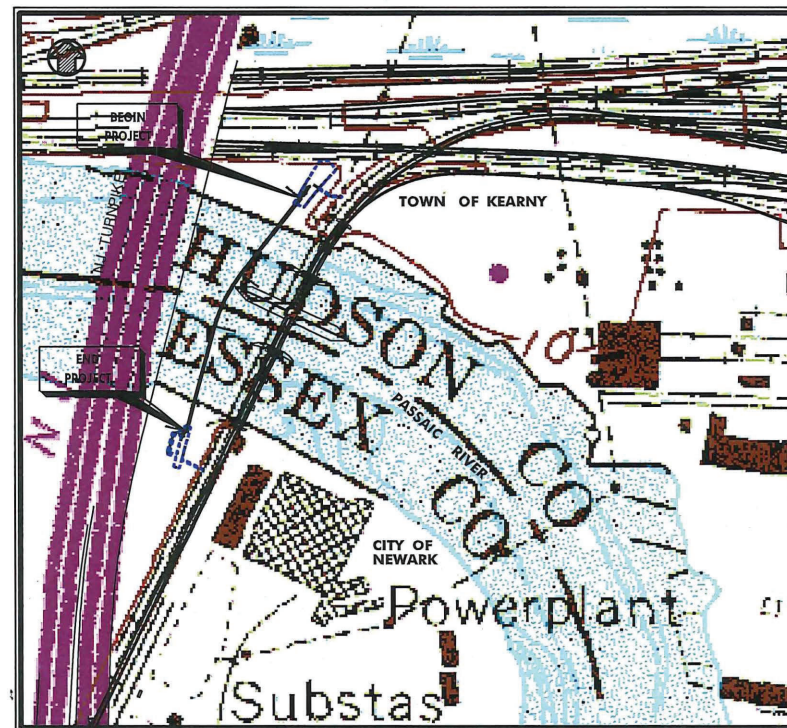
SEPTEMBER 2019

CONRAIL

CONSOLIDATED RAIL CORPORATION

CONSOLIDATED RAIL CORPORATION
OFFICE OF CHIEF ENGINEER

1000 HOWARD BOULEVARD
MT. LAUREL, N.J. 08054-2355



GENERAL LOCATION PLAN - USGS QUADRANGLE - JERSEY CITY NY-NJ

LATITUDE - 40°44'28.93"
LONGITUDE - 74°07'15.70"

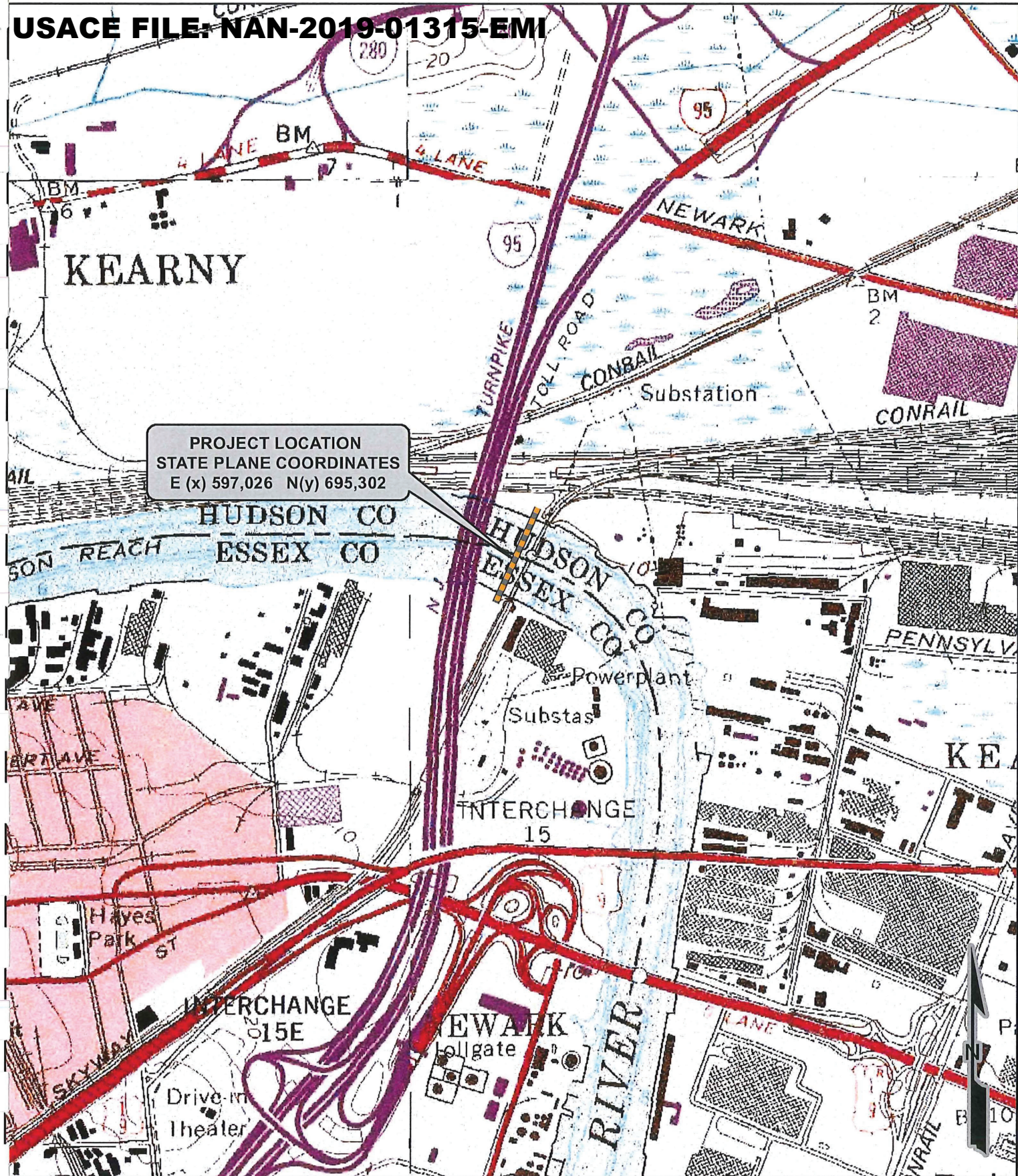
"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining and preparing the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for knowingly submitting false information, including the possibility of fine and imprisonment."

SUMMARY IMPACT TABLE

IMPACT AREAS	TOTAL (SQ. FT.)	TOTAL (ACRES)	WETLAND IMPACT (ACRES)
FRESHWATER WETLAND AREA IMPACT (TEMPORARY)	53.1	0.001	0.001
OPEN WATER AREA IMPACT	0.00	0.00	0.00
TOTAL			0.001

NOTE:
VERTICAL CONTROL IS BASED ON THE NORTH AMERICAN VERTICAL DATUM (NAVD) 1988.

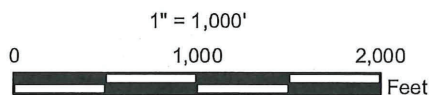
PREPARED BY: JACOBS <small>40 MT. KENNEL AVENUE, SUITE 500 EDMUNDSVILLE, NJ 08063-4002</small>		DATE: SEPT 2019 BY: <i>DMR</i> N.J. PE LICENSE NO. J020240200		CONRAIL HORIZONTAL DIRECTIONAL DRILL UNDER PASSAIC RIVER GENERAL LOCATION PLAN - COVER SHEET AND INDEX OF DRAWINGS NEWARK-KEARNY, ESSEX AND HUDSON COUNTIES, STATE OF NEW JERSEY	
NO.	DATE	BY	DESCRIPTION	APPROVED:	SCALE: NONE
1					
APPROVED: <i>DMR</i> DATE: SEPT 2019				SHEET: 1 OF 10 DRAWING NO: 80E7-NWP12-01	



Source: USGS



POINT NO POINT HORIZONTAL DIRECTIONAL DRILL
CITY OF NEWARK AND TOWN OF KEARNY
ESSEX AND HUDSON COUNTY, NJ

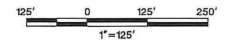
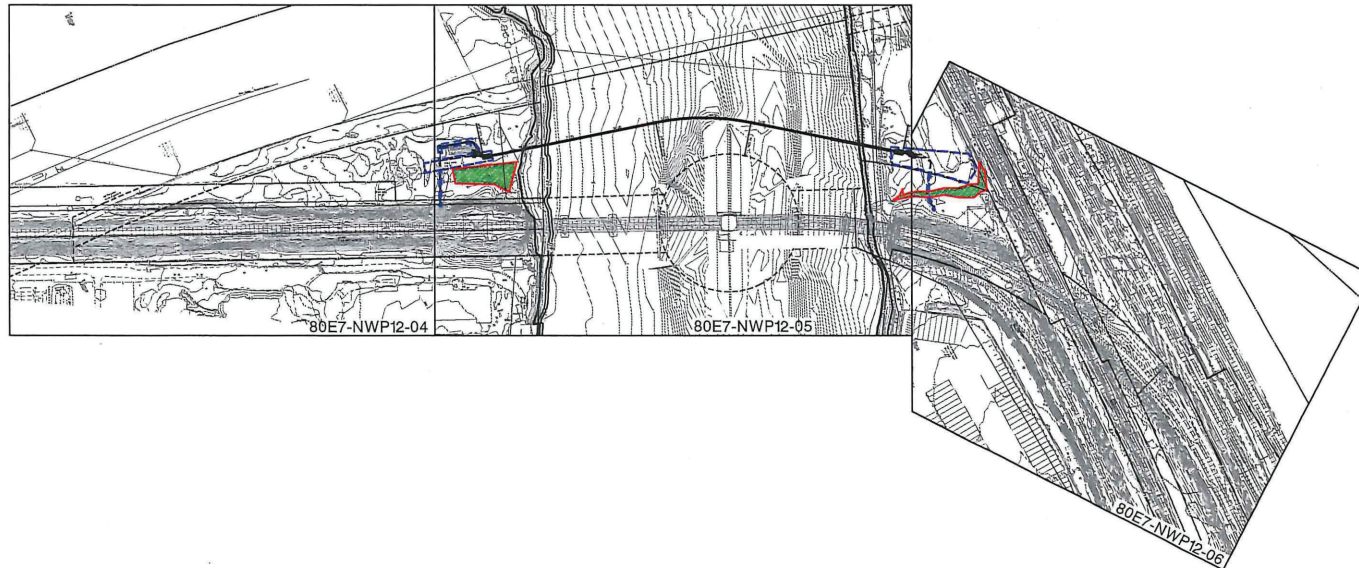


JACOBS
412 MT. KEMBLE AVENUE
MORRISTOWN, NJ 07960

JERSEY CITY NJ/NY
USGS QUADRANGLE

NOTES:

1. VERTICAL CONTROL IS BASED ON THE NORTH AMERICAN VERTICAL DATUM (NAVD) 1988.
2. HORIZONTAL CONTROL IS BASED ON THE NEW JERSEY STATE COORDINATE SYSTEM AS DEFINED BY THE NORTH AMERICAN DATUM (NAD) 1983.



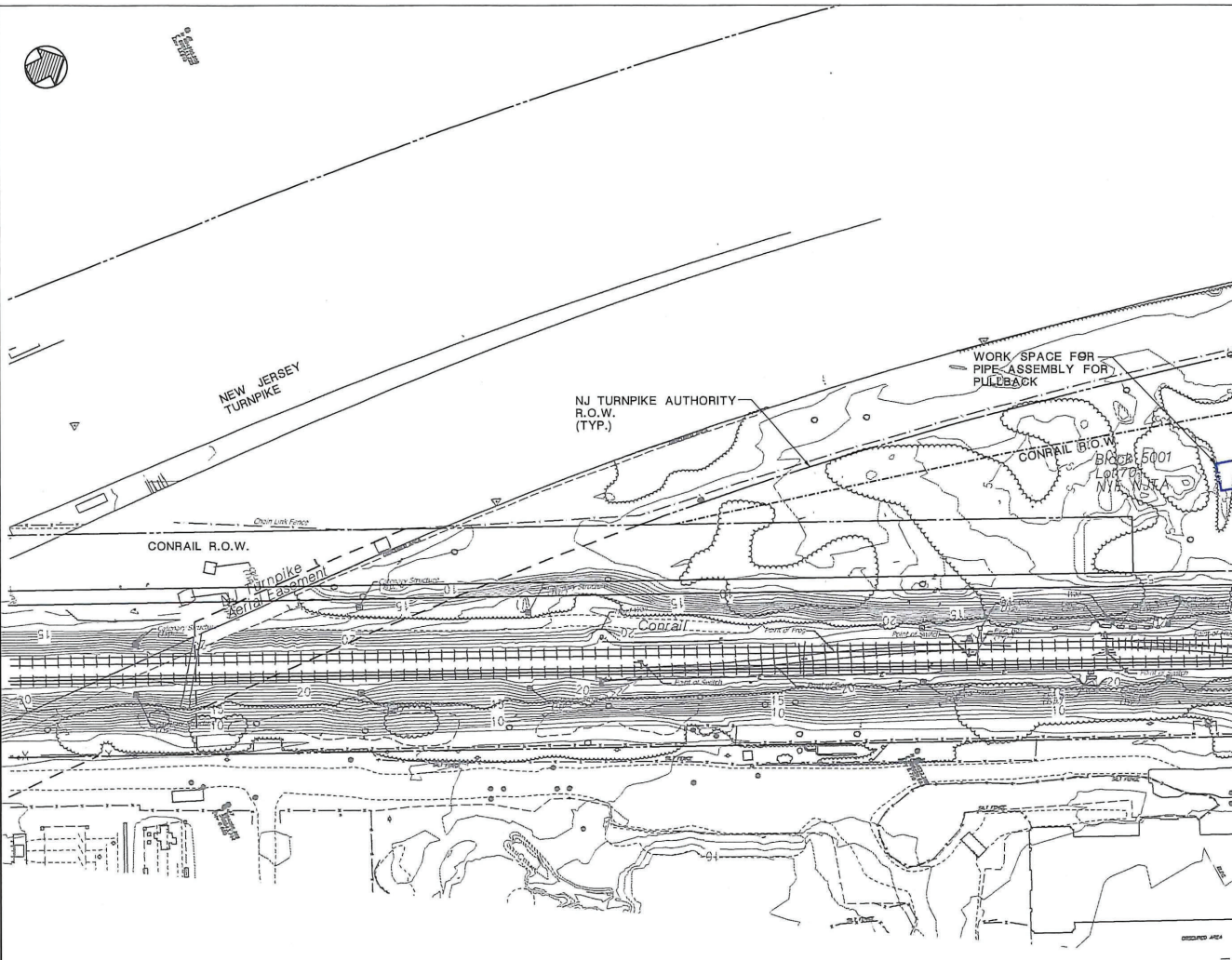
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APPROVED	SCALE AS SHOWN	SHEET: 3 OF 10	
APPROVED	DATE: SEPT 2019	DRAWN BY: 80E7-NWP12-03	

PREPARED BY:

JACOBS
410 MI. HENRIE AVENUE, SUITE 800
MORRISTOWN, NJ 07960-3008

DAVID J. LYNCH DATE: 09/11/2019
DAVID J. LYNCH, P.E.
N.J. PE LICENSE NO. 360412200

NO.	DATE	BY	DESCRIPTION



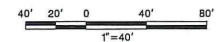
IMPACT TABLE		
IMPACT AREAS	TOTAL (SQ.FT.)	TOTAL (ACRES)
FRESHWATER WETLAND AREA IMPACT (TEMPORARY)	0.00	0.00
OPEN WATER IMPACT	0.00	0.00

NOTES:

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LEGEND:

- FRESHWATER WETLAND AREA
- WETLAND LINE
- LIMIT OF DISTURBANCE



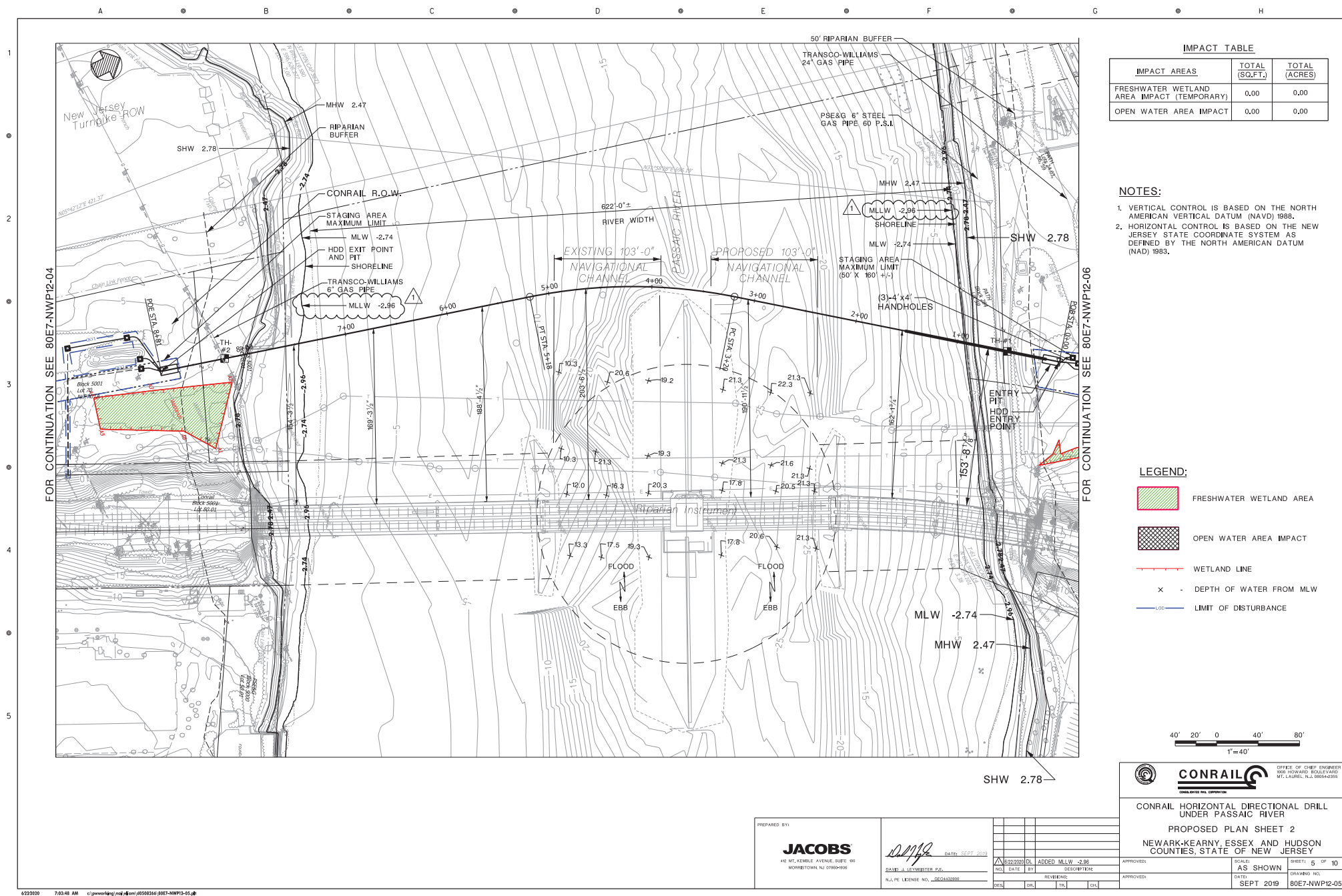
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PROPOSED PLAN SHEET 1			
NEWARK-KEARNY, ESSEX AND HUDSON COUNTIES, STATE OF NEW JERSEY			
APPROVED:	SCALE:	SHEET: 4 OF 10	
AS SHOWN	DATE:	DRAWING NO.	
SEPT 2019	80E7-NWP12-04		

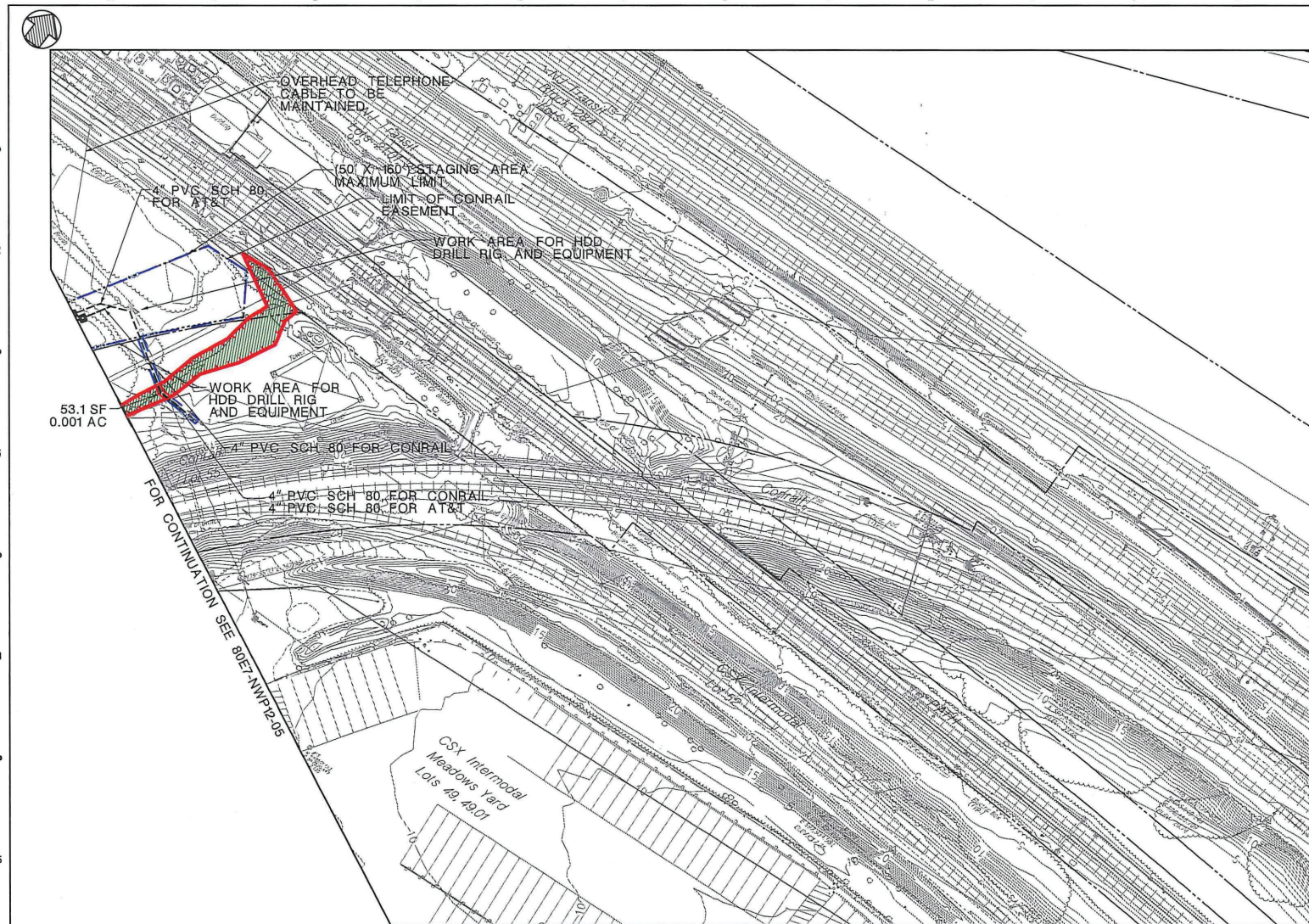
PREPARED BY:

JACOBS
 400 N. WILSON AVENUE, SUITE 300
 MORRISTOWN, NJ 07960

DMF
 DAVID J. LUCHESTER, P.E.
 N.J. P.E. LICENSE NO. 2612412000

NO.	DATE	BY	DESCRIPTION





IMPACT TABLE

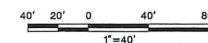
IMPACT AREAS	TOTAL (SQ.FT.)	TOTAL (ACRES)
FRESHWATER WETLAND AREA IMPACT (TEMPORARY)	53.1	0.001
OPEN WATER AREA IMPACT	0.00	0.00

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LEGEND:

- FRESHWATER WETLAND AREA
- WETLAND LINE
- LIMIT OF DISTURBANCE



		OFFICE OF CHIEF ENGINEER NEW JERSEY DEPARTMENT OF TRANSPORTATION MT. LAUREL, NJ 08054-2205	
CONRAIL HORIZONTAL DIRECTIONAL DRILL UNDER PASSAIC RIVER			
PROPOSED PLAN SHEET 3			
NEWARK-KEARNY, ESSEX AND HUDSON COUNTIES, STATE OF NEW JERSEY			
APPROVED	SCALE AS SHOWN	SHEET: 6 OF 10	
APPROVED	DATE: SEPT 2019	DRAWING NO: 80E7-NWP12-06	

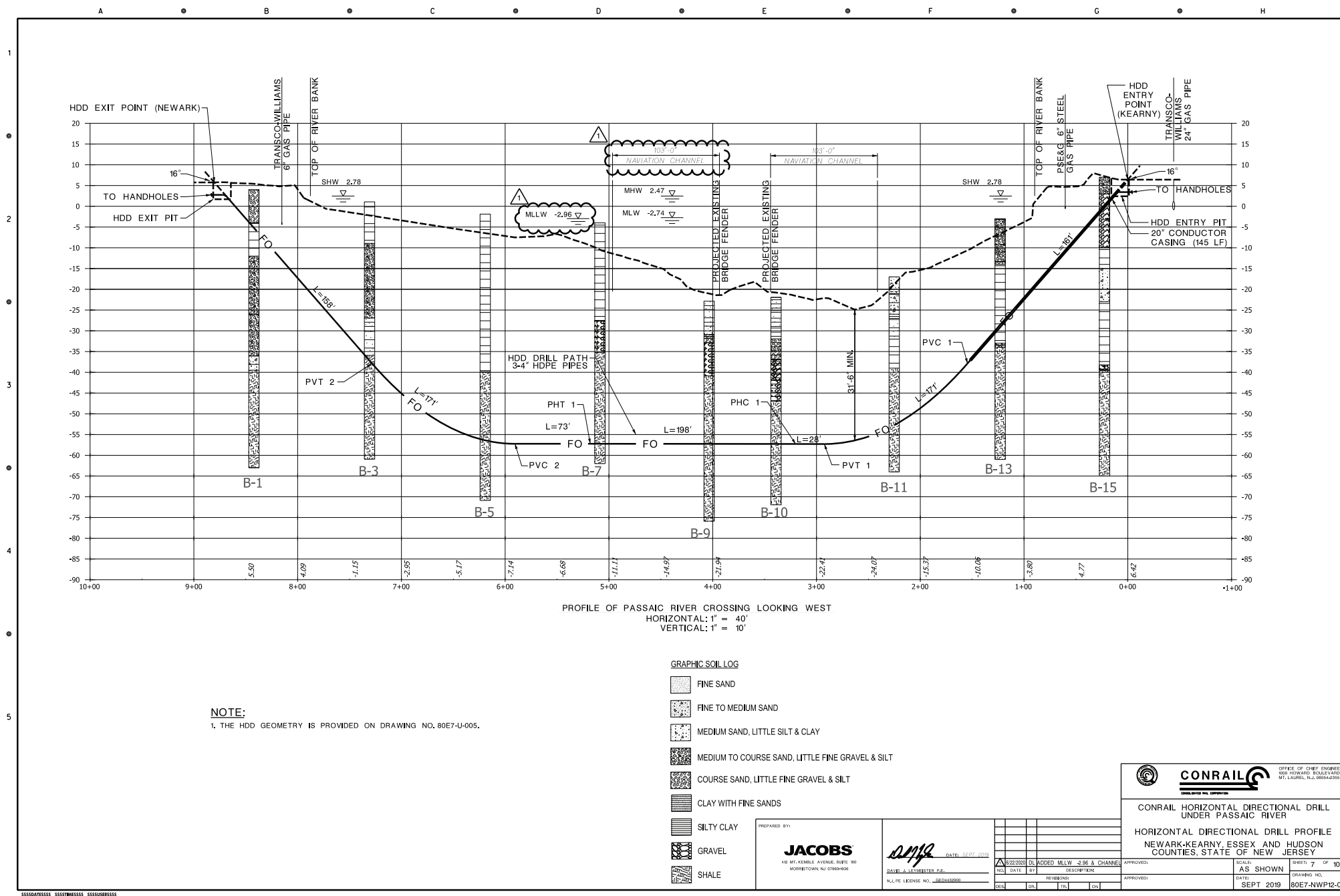
PREPARED BY:

JACOBS
410 MI. WINDLE AVENUE, SUITE 800
HOBOKEN, NJ 07030

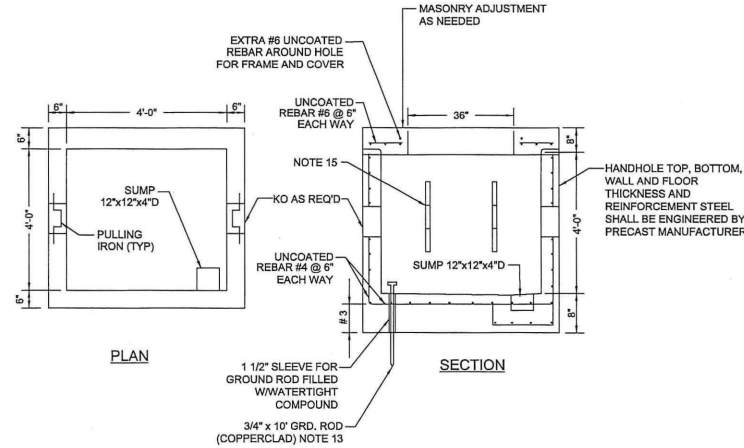
DATE: 09/11/2019
DAVID J. LICHSTEIN, P.E.
N.J. PE LICENSE NO. 260410001

NO.	DATE	BY	DESCRIPTION

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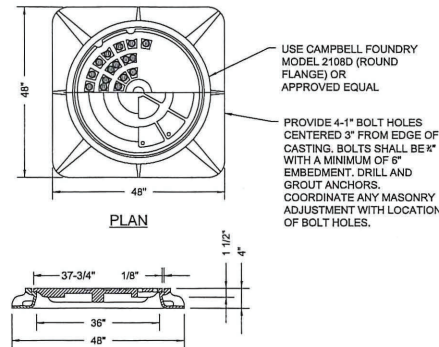


JACOBS		BORING NUMBER B-15	
40 Mt. Kemble Avenue Morristown, NJ 07960-1006 Telephone: 973-261-0333		PROJECT NUMBER: 80E7-NWP12-10	
CLIENT: USACE	PROJECT NAME: Passaic River	LOCATION: Passaic, NJ	PROJECT NUMBER: 80E7-NWP12-10
PROJECT NAME: Passaic River	LOCATION: Passaic, NJ	PROJECT NUMBER: 80E7-NWP12-10	PROJECT NUMBER: 80E7-NWP12-10
CONTRACT NO. 14-0000000000000000	CONTRACT DATE: 10/1/2014	CONTRACT DESCRIPTION: BORING LOGS SHEET 3 AND HANDHOLE DETAIL	CONTRACT DESCRIPTION: BORING LOGS SHEET 3 AND HANDHOLE DETAIL
DESIGNED BY: J. J. J.	CHECKED BY: J. J. J.	DATE: 10/1/2014	DATE: 10/1/2014
NOTES:			
1. POLYMER CONCRETE HANDHOLES SHALL NOT BE USED.			
2. HANDHOLE CONCRETE TO BE 4000 PSI PER TECHNICAL PROVISION.			
3. HANDHOLE REBAR SHALL BE UNCOATED GRADE 60 ASTM-A615.			
4. PULLING IRONS SHALL BE SET INTO CONCRETE WALLS OF HANDHOLES OPPOSITE DUCT ENTRANCES. PULLING IRONS SHALL BE HOT-FORGED STEEL, HOT-DIPPED GALVANIZED FOR CORROSION RESISTANCE. CABLE PULLING IRONS SHALL BE MANUFACTURED BY MCGRAW HILL, LINE CONSTRUCTION MATERIALS (OR APPROVED EQUAL). MANHOLE MANUFACTURER TO SUBMIT DETAILS TO PROVIDE 6000 LB PULLING CAPACITY.			
5. COOPER E-80 OR AASHTO H-20-44 LOADING AS REQUIRED BASED ON HANDHOLE LOCATION.			
6. ALL MOUNTING HARDWARE IN HANDHOLE TO BE STAINLESS STEEL.			
7. HANDHOLE FRAME AND COVER MATERIAL TO BE GRAY CAST IRON, ASTM CLASS 30 MINIMUM.			
8. HANDHOLE SUMP GRATING SHALL BE CAST IRON CONFORMING TO ASTM CLASS 50.			
9. UPPER SIDE OF THE GRATING AND SEAT SHALL PRESENT TRUE PLANE SURFACES.			
10. SUMP GRATING APPROXIMATE WEIGHT SHALL BE 50 LBS.			
11. HANDHOLE AVERAGE FRAME WEIGHT SHALL BE 475 LBS AND THE COVER SHALL BE 375 LBS.			
12. LOCATIONS OF PENETRATION ON WALLS SHALL BE SUBMITTED FOR APPROVAL.			
13. ALL THE METALLIC ITEMS SHALL BE BONDED TO 3/4"x10" GROUND RODS USING BARE COPPER CONDUCTOR (#6 MINIMUM). ALL BONDS SHALL BE EXOTHERMIC WELD, SEE HANDHOLE GROUNDING DETAIL DRAWING.			
14. HANDHOLES SHALL BE PAINTED WITH BITUMINOUS DAMP-PROOFING ON ALL EXTERIOR SURFACES EITHER IN FIELD OR IN SHOP.			
15. PROVIDE STAINLESS STEEL INSERTS AND NON-METALLIC SADDLE RACK (2-SADDLE TYPE RACK AS MANUFACTURED BY UNDERGROUND DEVICES, INC. OR APPROVED EQUAL), MINIMUM TWO PER HANDHOLE, COORDINATE WITH DUCT OPENINGS.			
16. HANDHOLE FABRICATOR TO SUBMIT DETAILS SHOWING SUMP GRATING SUPPORT.			



HANDHOLE DETAIL
SCALE: NTS

JACOBS		BORING NUMBER B-15	
40 Mt. Kemble Avenue Morristown, NJ 07960-1006 Telephone: 973-261-0333		PROJECT NUMBER: 80E7-NWP12-10	
CLIENT: USACE	PROJECT NAME: Passaic River	LOCATION: Passaic, NJ	PROJECT NUMBER: 80E7-NWP12-10
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16. HANDHOLE FABRICATOR TO SUBMIT DETAILS SHOWING SUMP GRATING SUPPORT.			



SECTION
HANDHOLE COVER
SCALE: NTS

NOTES:

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- HANDHOLE FABRICATOR TO SUBMIT DETAILS SHOWING SUMP GRATING SUPPORT.

JACOBS 40 MT. KEMBLE AVENUE, SUITE 100 MORRISTOWN, NJ 07960-1006		DATE: 10/1/2014 BY: J. J. J. H.A. PE. LICENSE NO. 0604550000		NO. DATE BY DESCRIPTION DES. DR. TR. CL.		APPROVED: [Signature] DATE: 10/1/2014 SCALE: AS SHOWN SHEET: 10 OF 10	
CONRAIL HORIZONTAL DIRECTIONAL DRILL UNDER PASSAIC RIVER BORING LOGS SHEET 3 AND HANDHOLE DETAIL NEWARK-KEARNY, ESSEX AND HUDSON COUNTIES, STATE OF NEW JERSEY				APPROVED: [Signature] DATE: 10/1/2014 SCALE: AS SHOWN SHEET: 10 OF 10		APPROVED: [Signature] DATE: 10/1/2014 SCALE: AS SHOWN SHEET: 10 OF 10	