

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-2019-01345-WCO Issue Date: Expiration Date:

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), Section 404 of the Clean Water Act (33 U.S.C. 1344).

- APPLICANT: New Jersey Turnpike Authority C/O Mr. Robert Fischer, P.E. 1 Turnpike Plaza Woodbridge, New Jersey 07095
- ACTIVITY: Discharge of fill material into, and place structures in and over navigable waters of the United States in order to facilitate the replacement and widening of the existing Garden State Parkway Bridge over the Passaic River.
- WATERWAY: Passaic River
- LOCATION: City of Clifton, Passaic County, and the Borough of Elmwood, Bergen County, New Jersey (40.889 -74.131).

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.

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 lifestages of some EFH-designated species as a result of a temporary increase in turbidity during construction. However, the New York District has made the preliminary determination that the site-specific adverse effects are not likely to be substantial because it is expected that fish populations would avoid the small area of disturbance. 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 known sites eligible for, or included in, the Register within the permit area. USACE has defined the Permit Area for the Undertaking, as defined at 33 CFR Part 325, Appendix C, as including all areas that will be subject to subsurface disturbance and all properties immediately adjacent to the project area and selected properties that are within visual range of the Project. A Memorandum of Agreement is being developed between the New Jersey Turnpike Authority, the New Jersey State Historic Preservation Office and the NY District USACE. 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 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

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. Please send all comments and questions concerning this application to <u>Danielle.R.Courtois@usace.army.mil</u>.

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

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

Rosta Miranda

for: Stephan A. Ryba Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The applicant, New Jersey Turnpike Authority, has requested Department of the Army authorization for authorization to discharge of fill material into, and place structures in and over navigable waters of the United States in the Passaic River, City of Clifton, Passaic County, and the Borough of Elmwood, Bergen County, New Jersey (40.889 -74.131).

The work would involve the replacement and widening of the existing Garden State Parkway bridge over the Passaic River to a width of 114 feet-5 ½ inches to accommodate three 12-foot wide traffic lanes, a 12-foot wide right shoulder, and a 5-foot wide left shoulder in each direction. The existing bridge substructure and abutments would remain in place. Refer to the attached drawings entitled "The New Jersey Turnpike Authority, Garden State Parkway, Contract No. P100.476, Superstructure Replacement and Widening of Bridge No. 158.2 – GSP Bridge Over Passaic River", Sheets 1 through 8, prepared by NV5, Inc. and dated January 2020.

The regulated activities associated with the bridge replacement and widening activities would include:

The temporary construction and installation of an approximately 670-foot long by 40-foot wide steel structure pile supported crane equipment trestle that would extend along the south side of the existing bridge over the Passaic River, and an approximately 980-foot long by 42-foot wide temporary highway bridge to carry GSP SB traffic, that would extend along the north side of the existing bridge over the Passaic River. Each structure would be supported by 24-inch diameter steel pipe piles (approximately 140 total piles). The temporary abutments that would be constructed to support the temporary highway bridge on the east and west sides of the Passaic River, and the temporary trestle on the east side of the Passaic River, would be situated in uplands. To facilitate the placement of the temporary trestle bridge on the south side of the bridge and the temporary highway bridge on the north side of the bridge, approximately 0.027acres of freshwater forested wetlands, and approximately 0.014-acres of freshwater emergent wetlands would be temporarily disturbed. The temporary forested and emergent wetland disturbance would consist of cutting and leaving, in place, trees and vegetation located on the northern end of an island situated within the Passaic River, and beneath the bridge. The temporary pile supported bridges are expected to remain in place during the four-year construction period of the bridge.

Discharge of approximately 364.8-cubic yards of fill material into approximately 0.079 acres of emergent and forested wetlands to facilitate the widening of the southbound roadway ramp off of U.S. Route 46. Approximately 0.007-acres of waters of the United States and wetlands would be temporarily disturbed. Discharge of approximately 24-cubic yards of fill material into 0.011-acres of emergent wetlands and waters of the United States to facilitate placement of riprap protection downstream of 15-inch and 18-inch diameter reinforced concrete pipe outfalls on the east shoreline, and to facilitate construction of the temporary highway bridge and temporary trestle. Approximately 0.071-acres of waters of the United States and wetlands would be temporarily disturbed.

Upon completion of the bridge replacement and widening activities, both the temporary highway bridge and temporary trestle, and associated piles, would be removed from the waterway and disposed of at a state approved upland site. All temporarily disturbed freshwater forested and emergent wetlands would be restored to preconstruction conditions. Forested wetland restoration activities and emergent wetland restoration activities would include the restoration of approximately 0.042-acres by the planting of Spicebush, Red Osier Dogwood, and Green Ash on an island in the Passaic River to the south of the bridge and along the eastern shoreline. All other areas of temporary wetland impacts would be restored with a "Type W" wetland seed mixture consisting of Switchgrass, Big Bluestem, and Annual Rye.

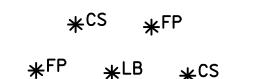
The stated purpose of this project is to facilitate the replacement and widening of the existing Garden State Parkway Bridge over the Passaic River.

CITY OF CLIFTON

LEGEND:

WATERS OF THE U.S. - WETLAND LINE WATERS OF THE U.S. - OPEN WATER LINE ORDINARY HIGH WATER MARK WETLAND PLANTING/ ACOE MITIGATION AREA (SEE DETAIL THIS SHEET)

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PLANT 2 GAL. CONT./8'-10' HIGH AT 10' O.C. SPACING

PLANT SUMMARY				
TYPE	COMMON NAME	LATIN NAME	QUANTITY	
LB	SPICEBUSH	LINDERA BENZOIN	18	
CS	RED OSIER DOGWOOD	CORNUS SERICEA	18	
FP	GREEN ASH	FRAXINUS PENNSYL VANICA	18	

NOTES:

I. TYPICAL PLANTING LAYOUT FOR WETLAND PLANTING/ ACOE

MITIGATION AREAS. SEE SHEETS ACE-4 AND ACE-5. 2. TOTAL PLANTING AREA = 1.835 SF (0.042 AC)

WETLAND PLANTING/ ACOE MITIGATION DETAIL

SEED MIXTURE	TYPE OF SEED		GERMINATION	TOTAL WEIGHT
:	SWITCHGRASS (PANICUM VIRGATUM)	95	80	20
TYPE W	BIG BLUESTEM (ANDROPOGON GIGANTEAN)	95	80	25
	ANNUAL RYE (LOLIUM MULTIFLORUM)	95	90	45

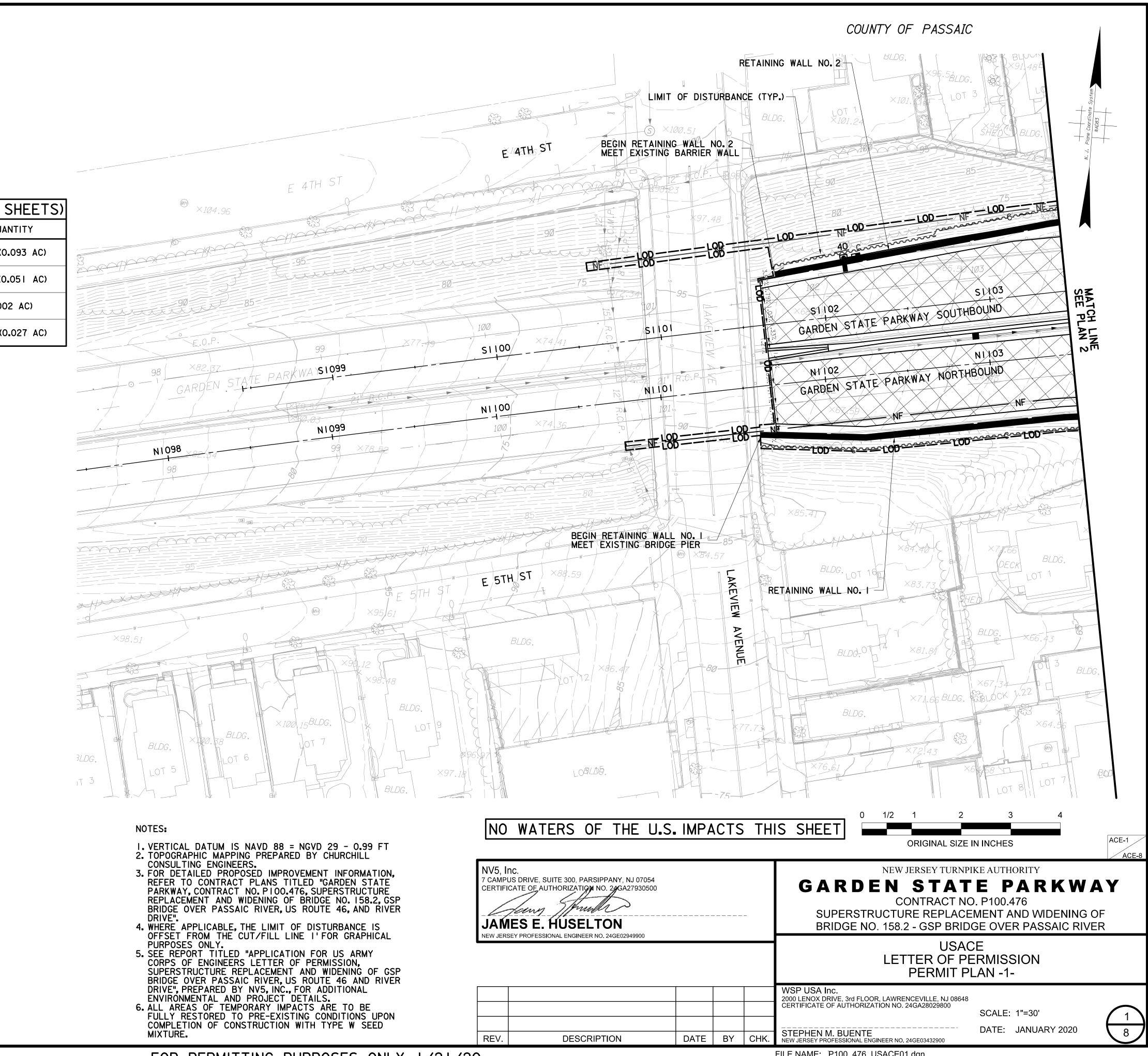
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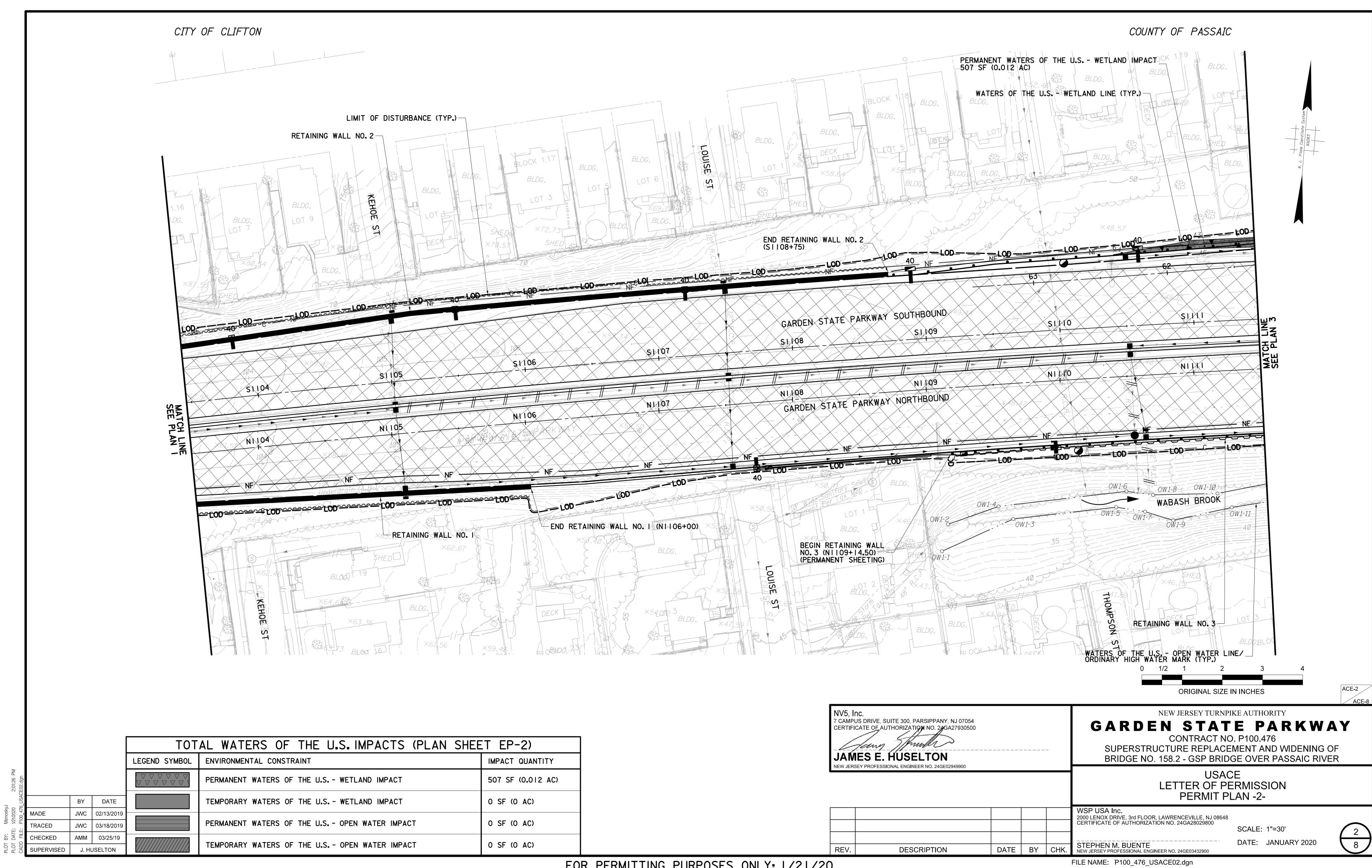
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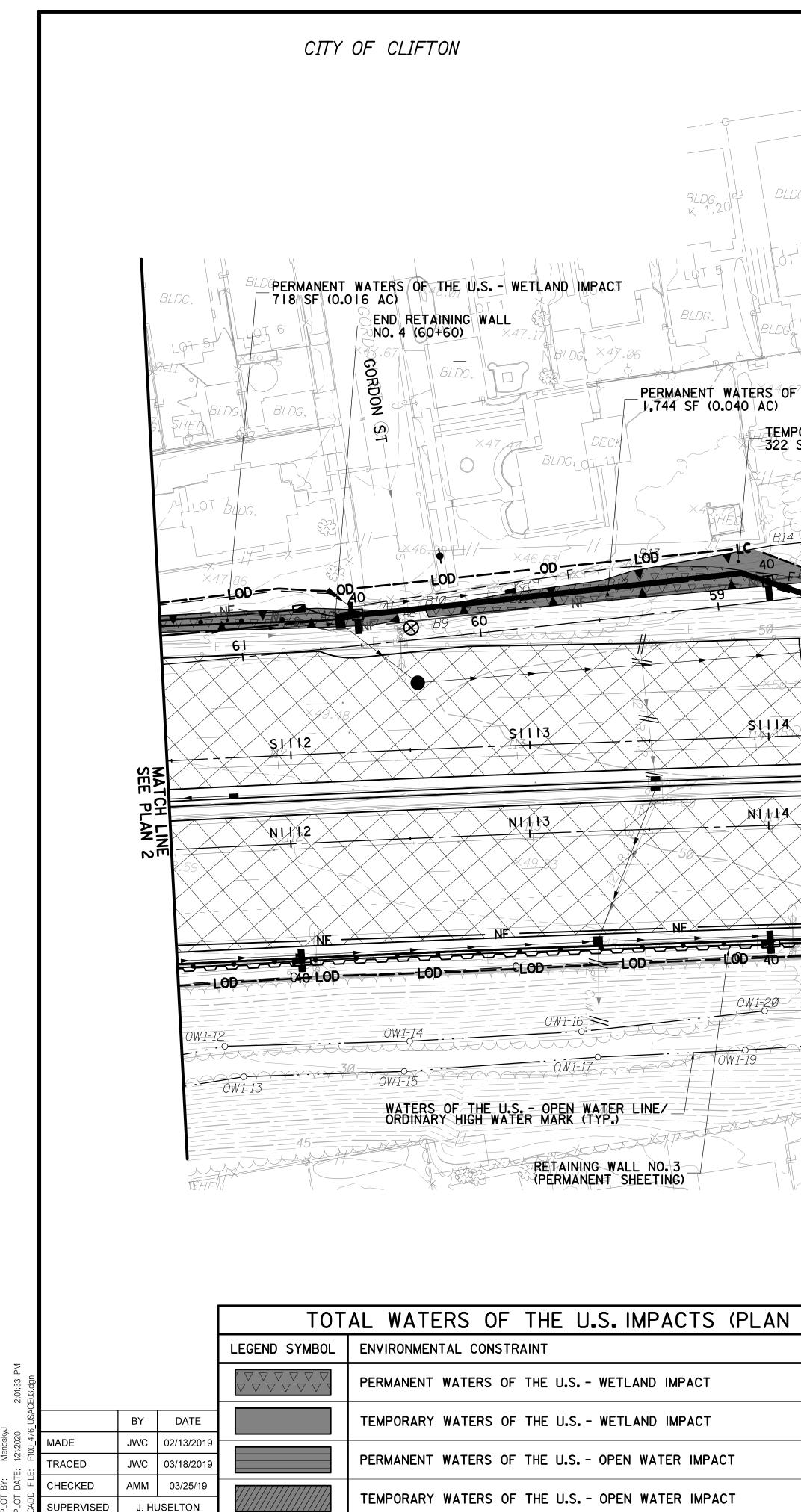


FOR PERMITTING PURPOSES ONLY; 1/21/20

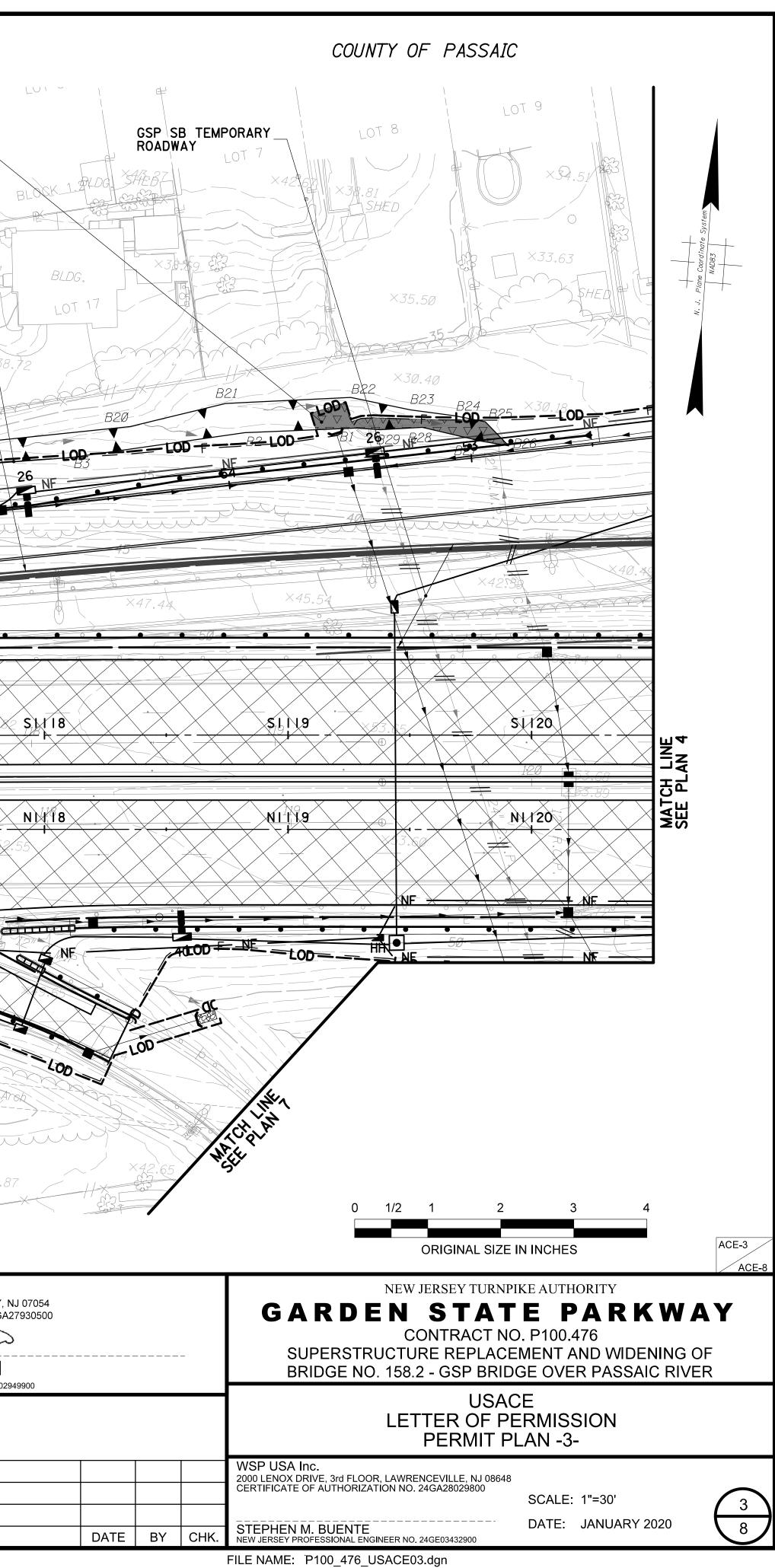
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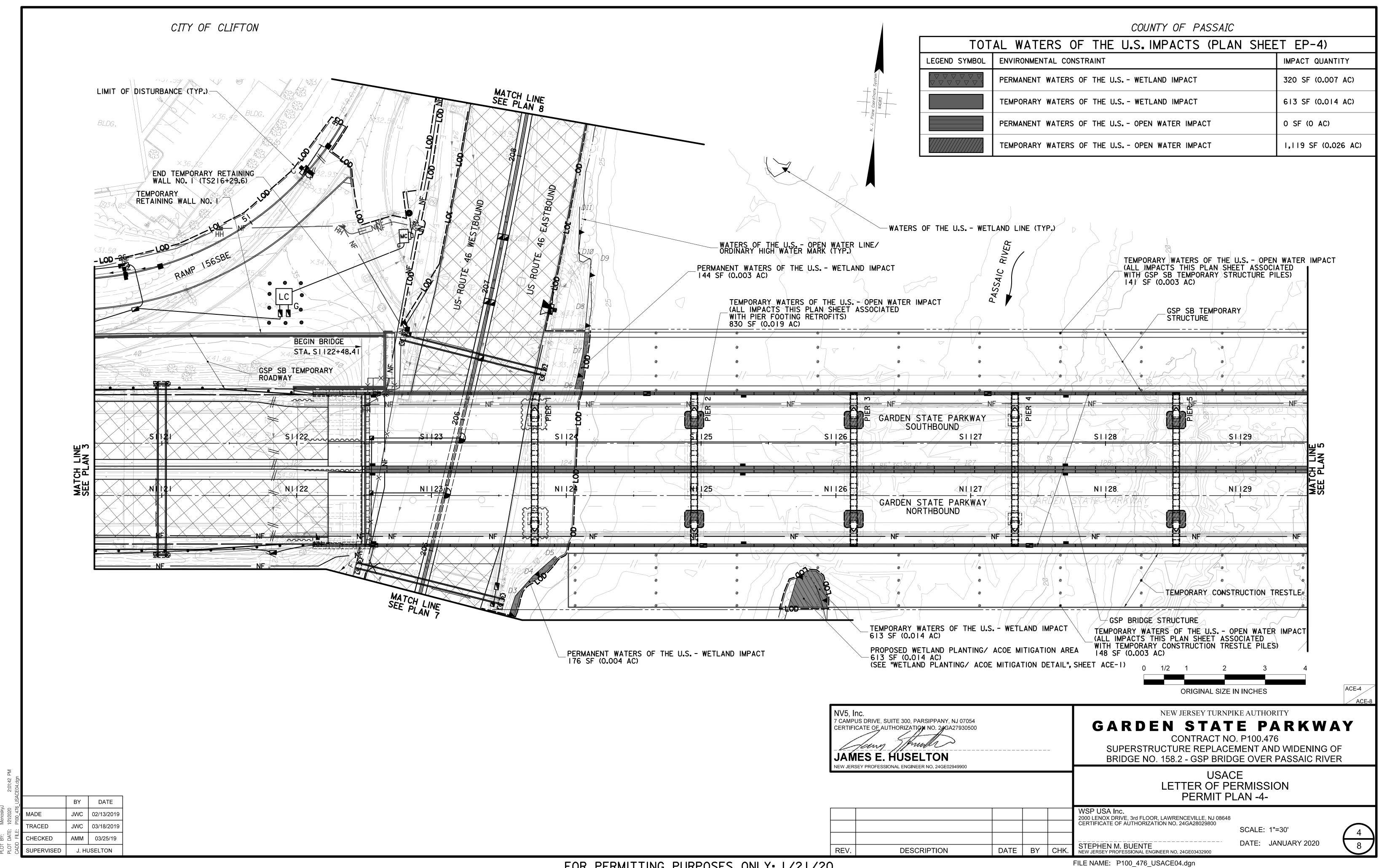


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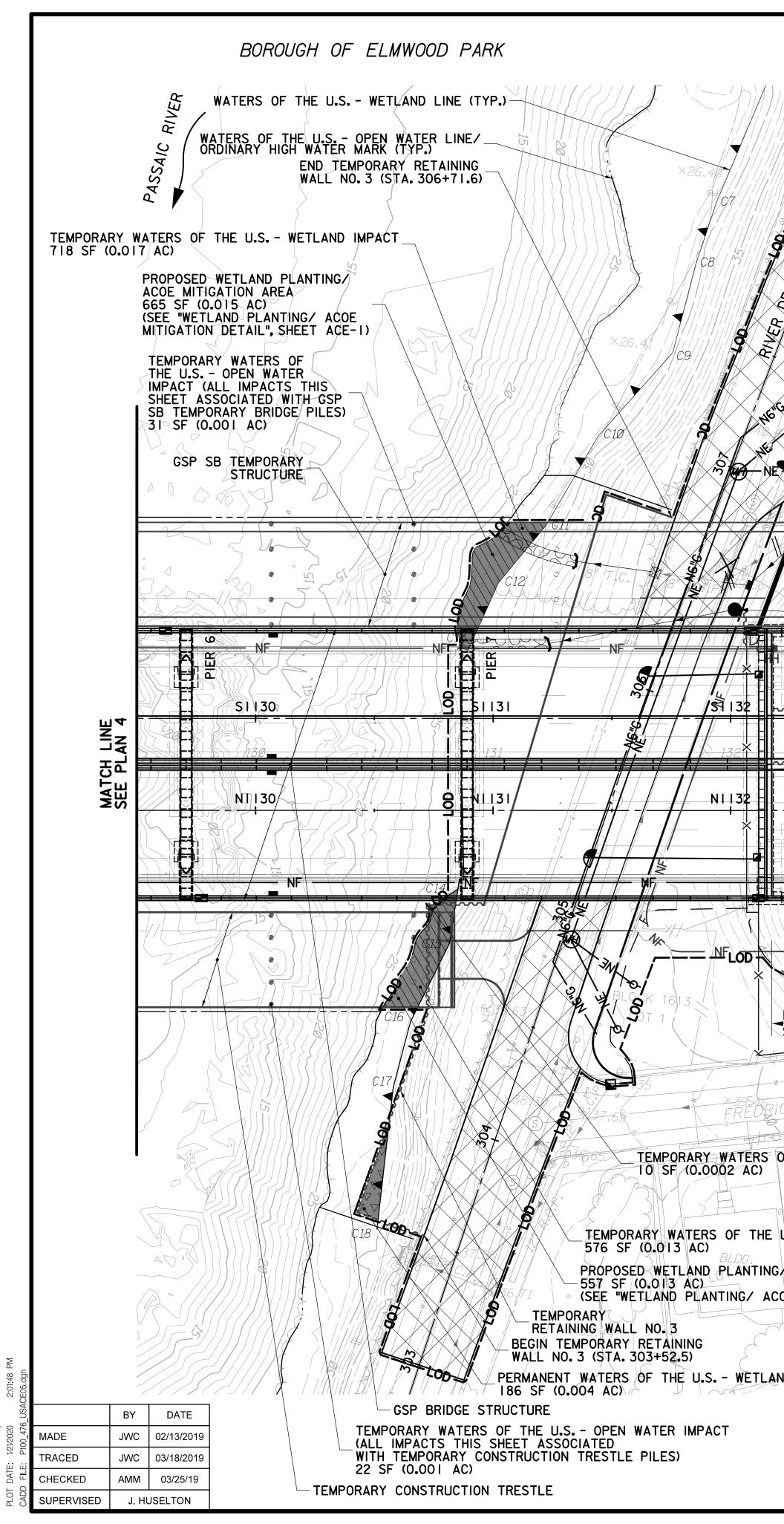


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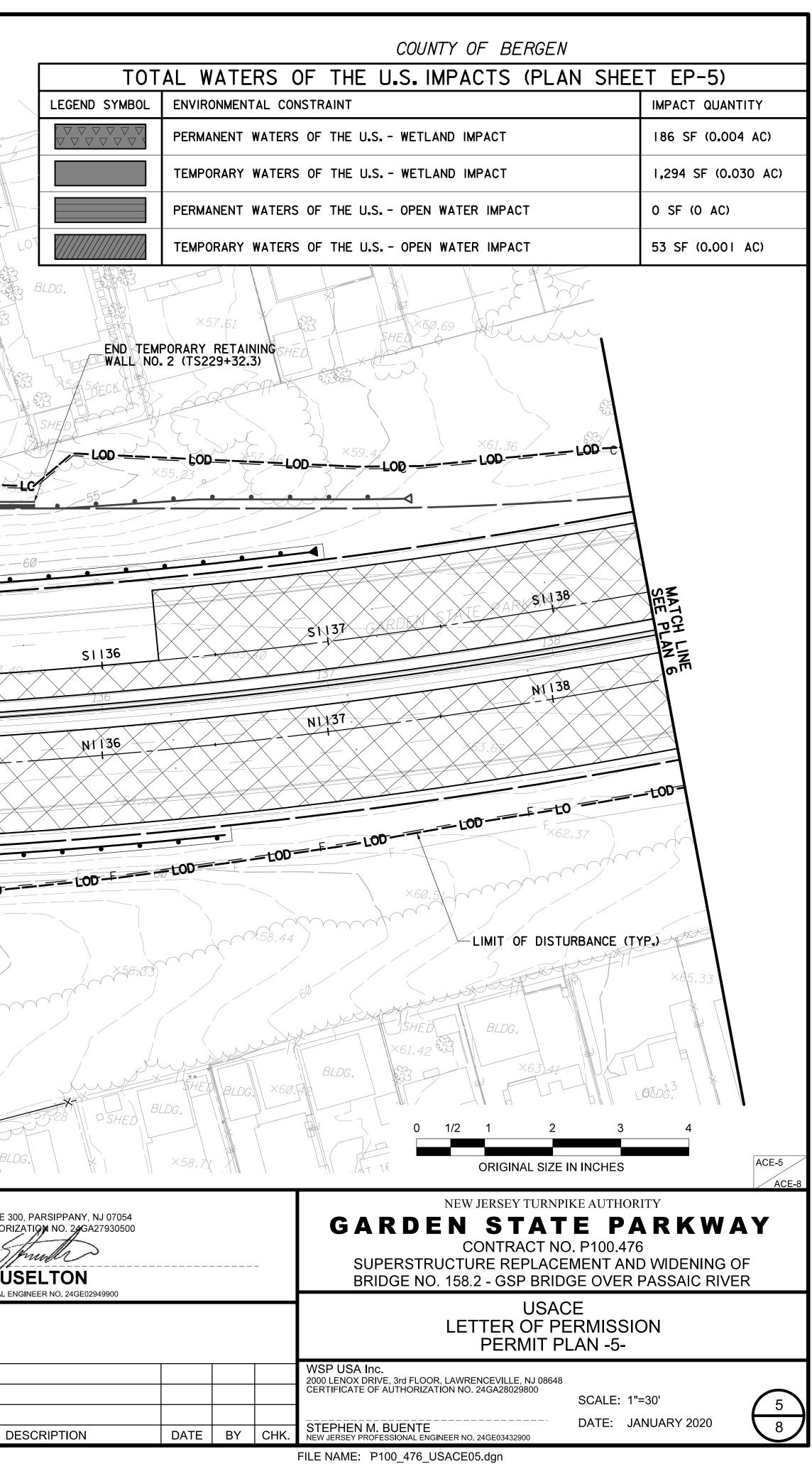
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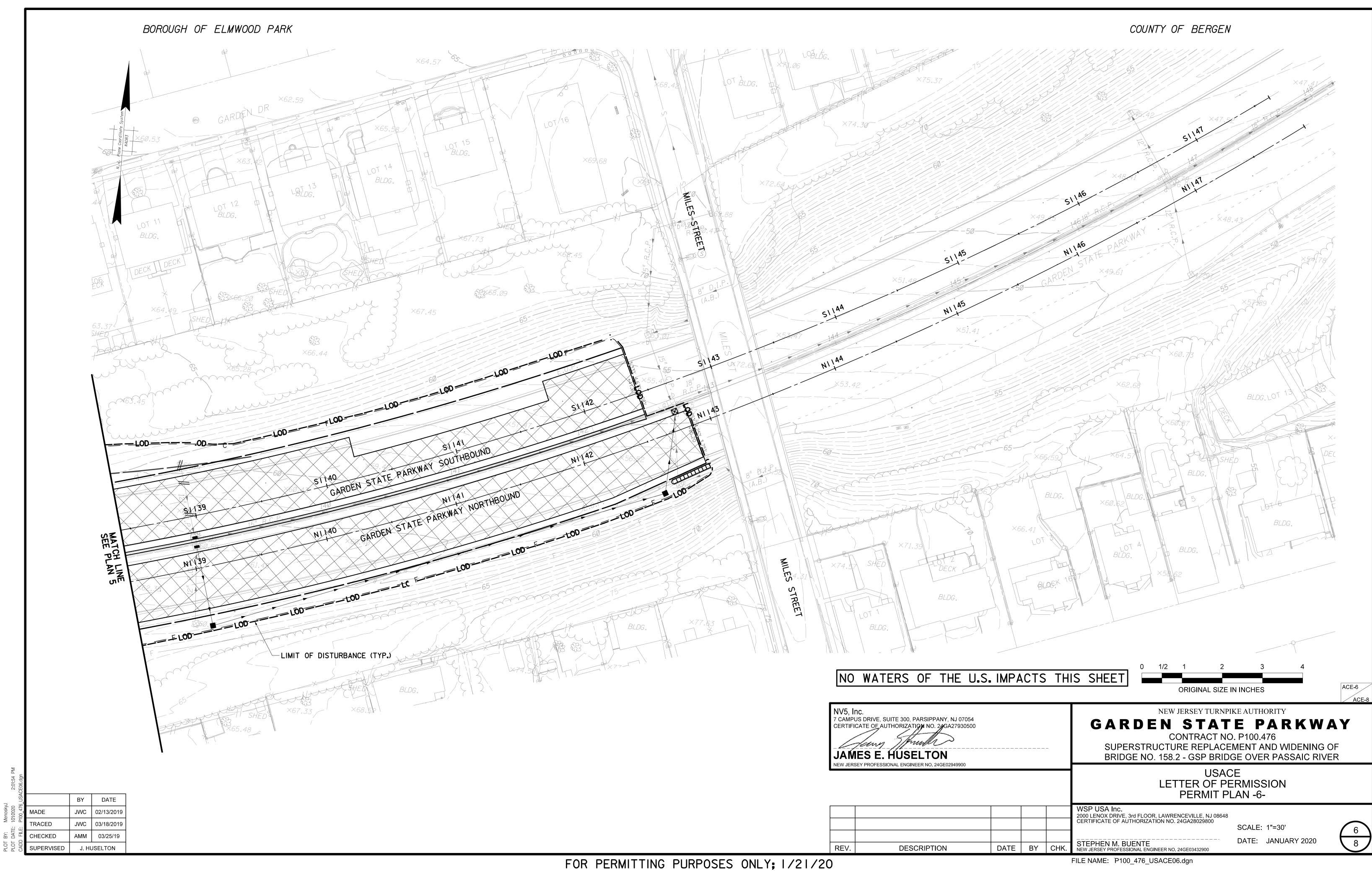


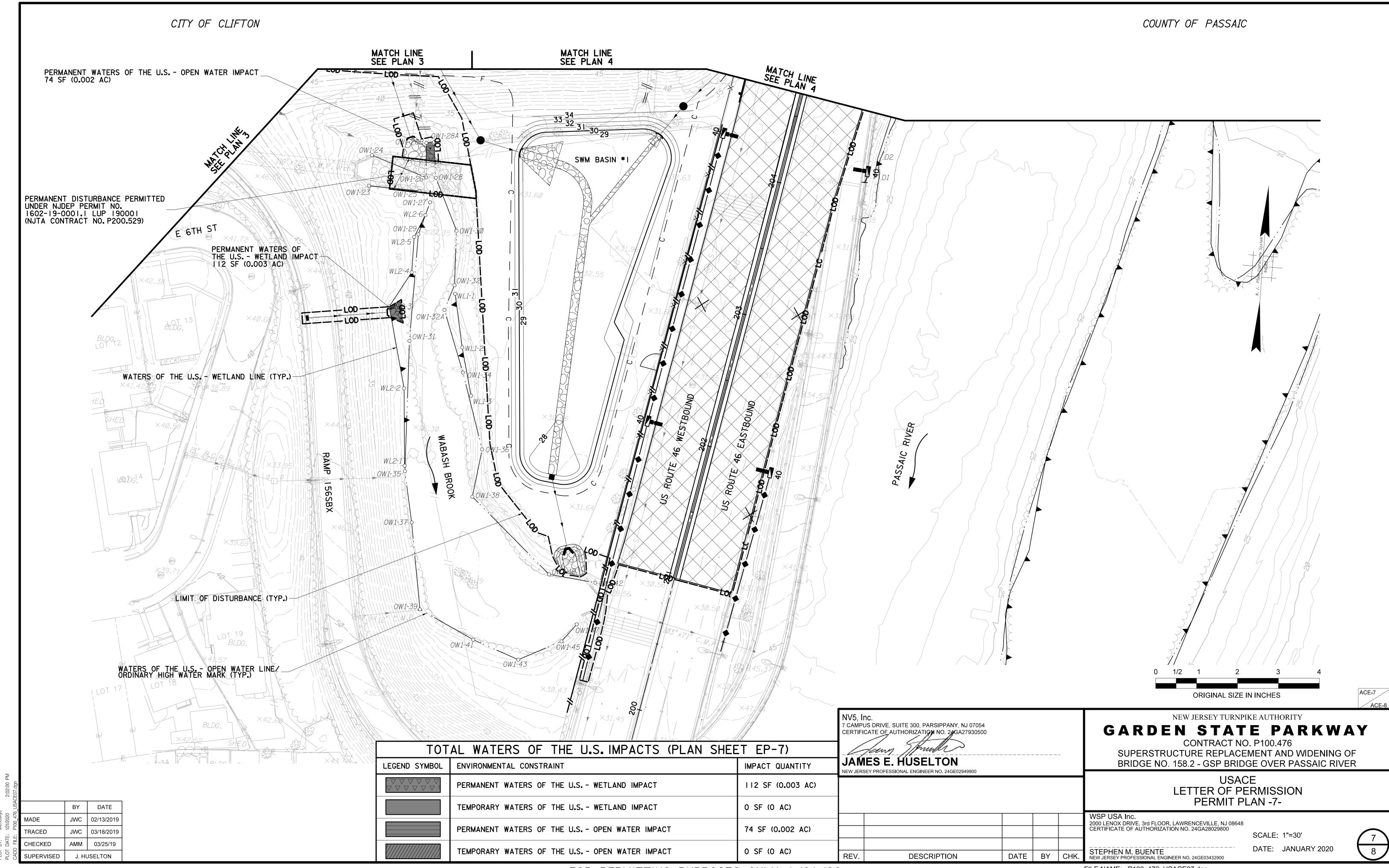
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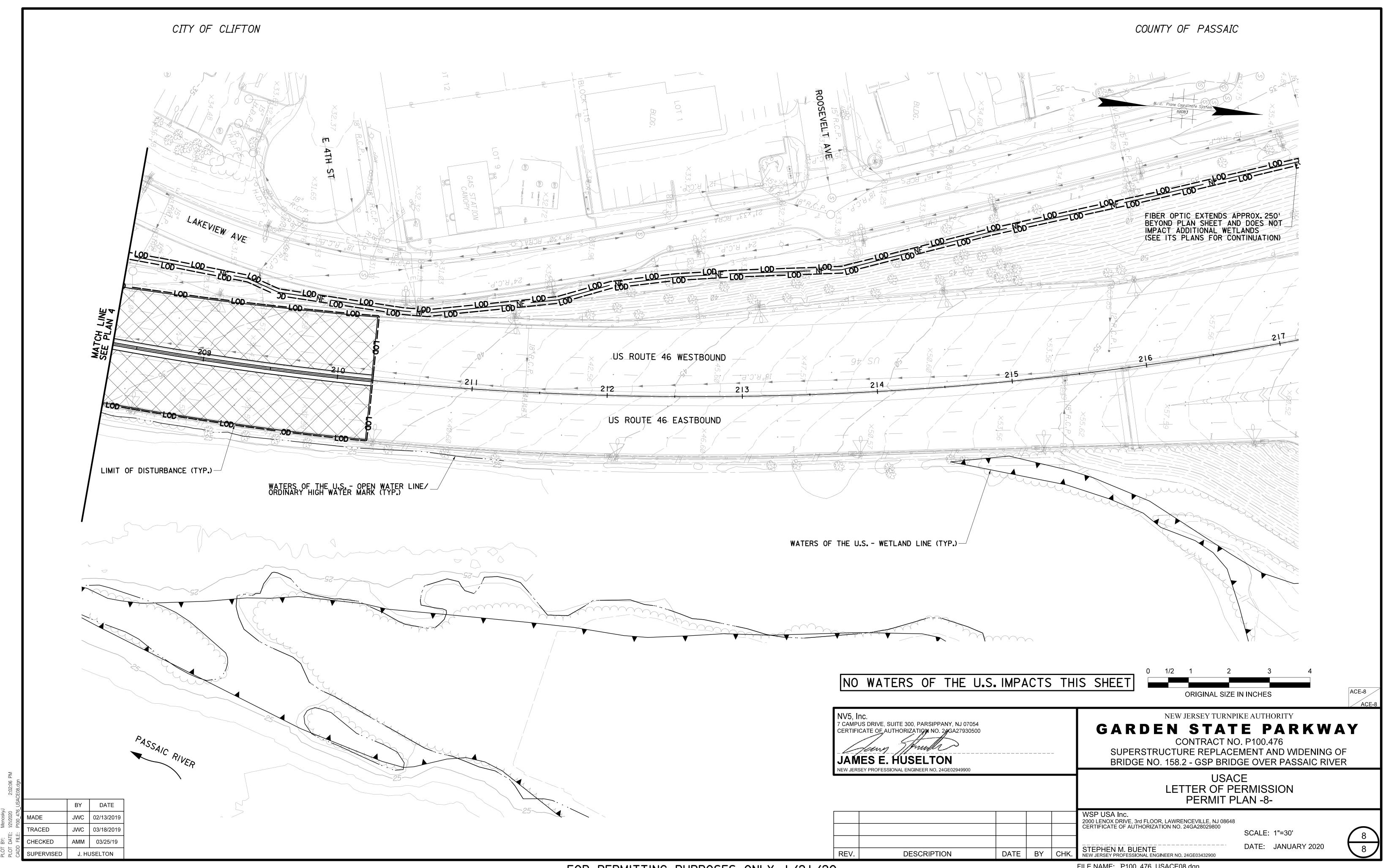






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