

SEPTEMBER 2017

REBUILD BY DESIGN

■ RESIST ■ DELAY ■ STORE ■ DISCHARGE ■

HUDSON RIVER

Hoboken

Weehawken

Jersey City

| New Jersey

RECORD OF DECISION

Record of Decision

Rebuild By Design: Resist, Delay, Store, Discharge Project
Cities of Hoboken, Weehawken, and Jersey City
Hudson County, New Jersey

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1.0 INTRODUCTION

This document is a Record of Decision (ROD) and Findings Statement for the Rebuild by Design - Hudson River Project (hereinafter “RBD-HR” or the “Project”) prepared pursuant to the National Environmental Policy Act of 1969 and its implementing regulations (40 CFR Parts 1500-1508) (collectively, NEPA), Executive Order 11988 (Floodplain Management), Executive Order 12898 (Environmental Justice), the National Historic Preservation Act of 1966 and its implementing regulations (36 CFR Part 800) (collectively, NHPA), and all applicable laws, regulations, orders, and guidelines by the New Jersey Department of Community Affairs (NJDCA), in conjunction with the New Jersey Department of Environmental Protection (NJDEP).

As the recipient of United States Department of Housing and Urban Development (HUD) Community Development Block Grant-Disaster Recovery (CDBG-DR) funds appropriated to address disaster recovery and rebuilding efforts as a result of Superstorm Sandy and specifically to address impacts from coastal storm surge flooding as well as systemic inland rainfall flooding through the Rebuild by Design (RBD) competition launched in 2013, NJDCA acts, pursuant to 42 USC § 5304(g) and 24 CFR Part 58, as the responsible entity for compliance with NEPA, NHPA and such other laws, regulations, orders and guidelines identified therein.

This ROD draws upon facts and conclusions in the Final Environmental Impact Statement (FEIS) approved by NJDCA and NJDEP, in cooperation with HUD, as well as comments thereon and related documents and submissions. This ROD attests to the fact that NJDCA/NJDEP has complied with all applicable procedural requirements, including those found in 40 CFR Parts 1500-1508, 24 CFR Part 58 and applicable state statutes, in reviewing this matter, including, but not limited to:

- Designation of NJDEP as lead agency;
- Preparation and approval of the Draft Scope for the Environmental Impact Statement (Draft Scope) for public review and comment;
- Holding of public meetings on the Draft Scope;
- Receiving public comments on the Draft Scope;
- Preparation and approval of the Final Scope for the Environmental Impact Statement (Final Scope);
- Preparation and approval of the Draft Environmental Impact Statement (DEIS) for public comment and review;
- Filing and distribution of the DEIS and notices of completion and availability;
- Holding of public hearings on the DEIS;
- Receiving public comments on the DEIS within the prescribed period;
- Preparation and approval of the FEIS for public comment and review;
- Filing and distribution of the FEIS and notices of completion and availability; and
- Receiving public comments on the FEIS within the prescribed period.

This ROD also attests to the fact that NJDEP has given due consideration to the Draft Scope, Final Scope, DEIS and FEIS prepared in conjunction with the Rebuild by Design - Hudson River Project (Project) and the public comments submitted on the same. This ROD is the final step in the NEPA processes for the Project.

2.0 PROJECT SUMMARY

The NJDCA, in conjunction with the NJDEP, after consideration of a variety of alternatives, including a no-action alternative, has selected Alternative 3 (Preferred Alternative) as the Selected Alternative for the Project (see Appendix 1). This decision was made following a collaborative process that included a thorough consideration of social, economic, engineering and environmental factors with an extensive outreach of resource agency coordination and public involvement.

The RBD-HR Project is a comprehensive urban stormwater management strategy to address impacts from coastal storm surge flooding as well as systemic inland rainfall flooding. As a result of Superstorm Sandy, HUD launched the RBD competition in 2013, inviting interdisciplinary design teams to craft pioneering resiliency solutions to address needs for flood risk reduction within the Superstorm Sandy-affected region. During the course of this competition, a comprehensive urban stormwater management strategy was developed for the Hoboken, Jersey City, and Weehawken area that included hard infrastructure and soft landscape for coastal defense (Resist); policy recommendations, guidelines, and urban infrastructure to slow stormwater runoff (Delay); green and grey infrastructure improvements to allow for greater storage of excess rainwater (Store); and water pumps and alternative routes to support drainage (Discharge). HUD subsequently awarded the State of New Jersey \$230 million for the implementation of the first phase of the “Hudson River Project: Resist, Delay, Store, Discharge”.

The purpose of the Project is to reduce the flood risk to flood prone areas within the Study Area, which comprises the entire City of Hoboken, and adjacent areas of Weehawken and Jersey City. The Project intends to minimize the impacts from surge and rainfall flood events on the community, including adverse impacts to public health, while providing benefits that will enhance the urban condition while recognizing the unique challenges that exist within a highly developed urban area.

The municipalities of Hoboken, Weehawken, and Jersey City were inundated by flood waters during Superstorm Sandy in October 2012. With half of Hoboken flooded for several days, most emergency services were unavailable, many residents were evacuated, and the National Guard was deployed to rescue those who could not evacuate. The magnitude of Superstorm Sandy’s devastation, primarily attributed to a record-breaking storm surge during high tide, has overshadowed the fact that little precipitation fell during that storm. Had Superstorm Sandy been accompanied by a more typical heavy rainfall event, the Study Area’s past history suggests that flooding levels and property damage could have been even higher.

The Study Area is vulnerable to two interconnected types of flooding: coastal flooding (from both storm surges and high tides) and systemic inland flooding (rainfall), which typically occurs during rainfall events that coincide with high tide. These flooding problems are attributed to several factors including naturally low topography and proximity to waterways; impervious surface coverage and associated runoff; existing, relatively old sewer infrastructure with interconnected storm and sanitary sewer lines; and insufficient discharge capability, particularly during high tide. As seen with Superstorm Sandy, coastal flooding can devastate a substantial portion of the Study Area and cause significant economic damage and safety concerns. In addition, systemic inland flooding associated with rainfall

tends to be more localized to inland areas of lower elevation, but happens with much greater frequency than coastal surges. The systemic inland flooding typically occurs when high volumes of water are brought into the combined storm-sewer system from rainfall events that coincide with an approaching high tide and/or storm surge. During a high tide or storm surge, the water level of the Hudson River can rise above the level of the combined storm-sewer outfalls. As a result, the river traps the water inside the combined storm-sewer system. Water then backs up within the system, flooding low-lying elevation inland areas with stormwater and at times sanitary sewage.

As identified by the original RBD Hudson River proposal and outlined in NJDCA Substantial Action Plan Amendment 20, a completed Resist alignment will be constructed with current available funding and a pilot or demonstration Delay, Store, Discharge (DSD) project may be constructed if there are remaining funds available. The pilot DSD project will consist of one or several DSD components included in the Selected Alternative.

The Project is a comprehensive urban water management strategy whose overall purpose is to reduce flood hazard risks and seeks to leverage resiliency investment to enhance the urban condition. Based on the analysis and evaluation presented in the Final Environmental Impact Statement (FEIS) and supporting technical documents, the associated administrative record, and input received from the public and interested local, State, and Federal agencies, the NJDCA's decision is to provide environmental approval for the construction of the RBD-HR Project in Hoboken, Weehawken, and Jersey City in Hudson County. The NJDEP, on behalf of NJDCA, has satisfied the NEPA process and supports the decision to adopt Alternative 3 as the Project.

3.0 DECISION

NJDCA approves the selection of Alternative 3 as the Project identified in the Final Environmental Impact Statement (FEIS) for the RBD-HR Project. The flood-resist structure selected for construction as the Project will provide flood risk reduction for the City of Hoboken, parts of Jersey City and Weehawken and for critical infrastructure located in those communities, including three fire stations, one hospital and the North Hudson Sewerage Authority (NHSA) wastewater treatment plant. The Project provides coastal flood risk reduction to approximately 85 percent of the population residing within the Study Area's 100-year floodplain.

Purpose and Need

The purpose of the Project is to reduce the flood risk to the Study Area. The Project intends to minimize the impacts from coastal storm surge and rainfall flood events on the community, including adverse impacts to public health, while providing benefits that will enhance the urban condition and recognizing the unique challenges that exist within a highly developed urban area. The Purpose and Need of the Project established seven goals and objectives. The Project improves community resiliency, reduces risks to public health, contributes to on-going community efforts to reduce FEMA flood insurance rates (by reducing exposure of a significant percentage of the population to the 100-year floodplain), delivers co-benefits, provides or improves connectivity to the waterfront, and activation of public space while considering social, economic, engineering, and environmental factors. The Project was chosen following a collaborative decision-making process that included a thorough consideration of social, economic, engineering and environmental factors with an extensive outreach of resource agency coordination and public involvement.

Design Flood Elevations

Resist structure heights (also known as the "Design Flood Elevation" or "DFE") were developed for all segments of the Resist infrastructure for the EIS and Feasibility Study. The DFE's were developed using the criteria stated in 44 CFR 65.10 and by incorporating sea level rise. The DFE's were based on the FEMA Base Flood Elevation (BFE) for the one percent annual chance flood (100-year flood) plus an additional 2.34 feet in elevation to account for possible sea level rise by 2075, based on NOAA's intermediate-high projections, as well as one foot of freeboard. Depending upon the location (i.e., waterfront or inland), the DFE values are different. For locations along or near the waterfront where wave action would be expected during a coastal surge event (such as along Weehawken Cove and Lincoln Harbor), the criteria stated in 44 CFR 65.10 required the use of additional structure height to accommodate for wave run-up to prevent potential overtopping of the structure by wave action. These additional heights were not necessary for inland areas, such as along Garden Street, where wave action would be minimal.

The heights of the Resist structures as described in this document are approximate and based on the modeling conducted during the project's Feasibility Study in order to meet the Project's Purpose and Need. Resist structure heights will be finalized during final design and as part of the permitting process.

Alternatives

Three Build Alternatives and a No Action Alternative were evaluated in the FEIS. In the No Action Alternative, no Resist structures would be built; therefore, the community would not experience any of the construction-related impacts associated with the Build Alternatives. However, the community (including critical facilities) would continue to be impacted during coastal storm surge events. In addition, while the municipalities may continue with plans to develop stormwater strategies, the comprehensive DSD system as conceived by the Project would not be built. Therefore, the No Action Alternative does not meet the Purpose and Need of the Project.

All three of the Build Alternatives considered in the FEIS would meet the Purpose and Need of the Project. In particular, all of the Build Alternatives Resist components would provide coastal storm surge flood risk reduction for a substantial portion of the population within the existing preliminary FEMA 100-year floodplain and the DSD strategy would eliminate rainfall flooding associated with a storm equal to or less than a 5-year rainfall event for approximately 8,000 people. In addition, the Project would provide socioeconomic benefits to minority and low-income populations as a result of reduced coastal storm surge and rainfall flooding frequency, benefits to the overall economic condition of the Study Area as a result of reduced coastal storm flood damage, and benefits to public health as a result of removal of contaminated soils and reduced frequency of combined sewer overflow events. No changes to land use or zoning are proposed for the Resist Structure under any of the three Build Alternatives. Some of the DSD components would involve converting vacant land to recreational land. The DSD portion of the Project represents the framework for a comprehensive future storm water strategy that will be implemented by the City of Hoboken and other partners, as funding becomes available.

As described in the FEIS, the avoidance, minimization, and mitigation of environmental impacts is best accomplished by the Selected Alternative or Alternative 3. Key characteristics of the Selected Alternative include the following:

- Provides a high degree of flood risk reduction while integrating the flood risk reduction strategy with community values by considering public input, cost and urban amenities;
- Incorporates a Resist structure that can be constructed with available funds;
- Has the least impact to the built environment of the three Build Alternatives;
- Requires the fewest number of movable gates, which results in the lowest operation and maintenance costs and the highest level of reliability among the Build Alternatives; and,
- Is most effective in minimizing impact to waterfront access and views of the three Build Alternatives.

As stated above, Alternative 3 is the Selected Alternative and is the environmentally preferred alternative for the RBD-HR Project.

The Selected Alternative (Alternative 3)

The Resist structure selected for construction (i.e., Alternative 3) will provide flood risk reduction for the City of Hoboken, parts of Jersey City and Weehawken and for critical infrastructure located in those communities, including three fire stations, one hospital and the North Hudson Sewerage Authority (NHSA) wastewater treatment plant. This

alternative provides coastal flood risk reduction to approximately 85 percent of the population residing within the Study Area 100-year floodplain.

The Selected Alternative's Resist alignment travels primarily within inland areas minimizing impacts to waterfront open spaces and provides enhancements to approximately 2.55 acres of open space or parks. The final design of the Resist structure will be designed to blend in seamlessly with the urban streetscape and enhance the quality of life in the area. The system will also utilize natural higher ground to maximize flood risk reduction.

The Selected Alternative's Resist structure locates portions of the alignment in areas that would minimize impacts on the community. Specifically, utilizing a private alleyway that parallels 14th Street to extend to Washington Street. Washington Street was chosen because the width of the street can accommodate the necessary structure and it provides the potential to blend structural amenities into the commercial nature of the area.

In the northern part of the Study Area, the Resist structure begins near the Hudson Bergen Light Rail (HBLR) Lincoln Harbor station at Waterfront Terrace, traveling south along HBLR, then continuing south along Weehawken Cove towards Garden Street. Opportunities for urban enhancement in the northern portion of the Study Area include lighting, murals, and seating. In addition, a bermed and terraced Cove Park will be incorporated into the southwest corner of Weehawken Cove. Potential amenities at this park may include playgrounds, lawn areas, game courts, and a viewing deck overlooking Weehawken Cove.

The Resist structure will travel down the east side of Garden Street along the west side of the Hudson Tea Parking Garage along Garden Street, starting at approximately eight feet in height and tapering down to approximately five feet in height as it travels south. The structure along Garden Street may consist of an elevated planter with seating. The structure will then continue down the alleyway midway between 15th and 14th Streets from Garden to Washington Streets at approximately four feet in height. Urban amenities within the alleyway could include planters. The structure will then travel south along Washington Street at approximately 3.5 feet in height, tapering down to the ground level at 13th Street. Street crossings will feature gates to allow for access during non-flood conditions. Consideration will be given to adapting the use of structures in a way to provide urban amenities such as seating and landscape enhancements.

In the southern part of the Study Area, there will then be two options: Option 1 will include an alignment south of Observer Highway within the rail yard (south of the proposed Hoboken Yard Redevelopment Area) at approximately five to 11 feet in height. Option 2 will feature an alignment along Observer Highway from Washington Street directly to Marin Boulevard at approximately 11 feet in height. The alignment includes gates for access at various locations including at the Marin Boulevard, Grove Street, and Newark Avenue underpasses beneath the rail lines, as well as protection where HBLR tracks pass below the NJ TRANSIT overpass in the southwest corner of the Study Area. Urban amenities in these areas include lighting, murals, seating, plantings, and wayfinding/signage. Steel sheeting will also be installed along the NJ TRANSIT railroad embankment to support the Resist structure.

To prevent water intrusion from overtopped bulkheads or through existing inlets and unsealed manholes under the Project, a separation of the sanitary/stormwater collection system in areas of the Resist structure will be facilitated by the construction of a “High Level” storm sewer collection system. In addition to the installation of this new storm sewer system, the existing NHSA combined sewer inlets and manholes will be sealed and lined. This drainage will be designed to prevent additional sewer backflow that could cause major flooding issues within the Selected Alternative protected areas during a storm surge event. Stormwater collected in this “High Level” storm sewer system will gravity flow into the Hudson River.

The Project’s DSD features include three large stormwater detention facilities and approximately 61 small tanks (right-of-way [ROW] sites) that will include new and/or improved stormwater management techniques designed to complement other efforts by the City of Hoboken as part of the Green Infrastructure Strategic Plan and multiple redevelopment plans. Concepts of the three-large individual storm water detention sites, known as BASF site or Northwest Resiliency Park, NJ TRANSIT and Block 10, have been developed as part of the feasibility design. The location of these three DSD sites are based on studies of the existing flooding “hotspots” in Hoboken.

Three pump stations will be required as part of the discharge component. One pump station is proposed to discharge the overflow from the proposed NJ TRANSIT site detention facility. A second pump station is required to discharge overflows from the BASF site detention tank. A third pump is proposed to the north of Clinton Street near the NHSA treatment plant. The purpose of the Clinton Street pump station is to release flows from the ditch to compensate the additional flow discharged from the NJ TRANSIT site and to prevent surcharge of the existing ditch during backflow conditions.

Two new outfall pipes in northern Weehawken Cove are proposed as the discharge component of the Project. One outfall would drain the flow of the existing ditch running along the western side of the HBLR line. This outfall is proposed to be located in the northern part of the Cove near Lincoln Harbor. The second outfall is proposed to be located north of Cove Park to drain the BASF site’s catchment area via force main discharge.

A completed Resist alignment will be constructed with current available funding (\$230 million) and a pilot or demonstration DSD project may be constructed if there are remaining funds available. The pilot DSD project will consist of one or several DSD components included in the Selected Alternative. The remaining DSD components of the Selected Alternative are anticipated to be constructed over the next 15 to 20 years as a part of a future storm water strategy that can be implemented by the City of Hoboken and/or other partners, and can be integrated into the city’s existing plans.

4.0 OTHER ALTERNATIVES CONSIDERED

No Action Alternative

The No Action Alternative provides a baseline condition that allows a comparison between proposed actions and the act of doing nothing, in terms of meeting the Purpose and Need and Goals and Objectives and in terms of potential impacts. Under the No Action Alternative, no Resist structure would be constructed. Regarding DSD, a comprehensive DSD system would not be built by local partners. The No Action Alternative also includes other ongoing or planned projects in the Study Area that are proposed to be completed by 2022. This includes the following projects and entities leading the projects:

1. Long Slip Fill and Rail Enhancement Project (NJ TRANSIT)
2. Property Development between Long Slip Canal and 14th Street, Jersey City (Newport Associates)
3. H1 and H5 Wet Weather Pump Stations (NHSA)
4. Southwest Resiliency Park (City of Hoboken)
5. City Hall Green Infrastructure Improvements (City of Hoboken)
6. Washington Street Rain Gardens (City of Hoboken)

Build Alternatives

During concept development, the project team defined the elements of the Project (including Resist, Delay, Store, Discharge components), conducted a suitability assessment, and organized the Project elements by theme. The project team then applied concept development principles to group these elements into five comprehensive concepts. In December 2015, the five concepts were presented to the public for feedback. They were then qualitatively screened using the established concept screening criteria, further evaluated for engineering feasibility, and reviewed by the Executive Steering Committee (ESC), Citizen Advisory Group (CAG), and the general public. As a result, the five concepts were modified and three refined concepts were advanced as three Build Alternatives of the different Resist alignments to be further analyzed in the DEIS.

The Delay, Store, Discharge (DSD) portion of the Project was refined into a single strategy that is common to all three Build Alternatives.

The Resist alignment of the Selected Alternative was described in Section 2. The other two Build Alternatives analyzed (but ultimately dismissed) are summarized below:

Alternative 1

Alternative 1 would provide coastal flood risk reduction to approximately 98 percent of the population within the Study Area's 100-year floodplain. Alternative 1 would provide the greatest level of flood risk reduction by locating the Resist structures primarily along the waterfront, from Lincoln Harbor in Weehawken to the intersection of Sinatra Drive North and Frank Sinatra Drive, just south of Maxwell Place Park. The Resist structure would range from between approximately 8.5 and 15.5 feet in height along the waterfront in these locations. The Resist structure

would incorporate urban design amenities such as a new Cove Park, park space at Shipyard Park and a new Lincoln Harbor ferry stop.

A Resist feature would also be incorporated along Sinatra Drive from 4th Street to 1st Street in South Hoboken, where the design would consist of an elevated walkway and park space (up to approximately 2.5 feet in height along Sinatra Drive) tying into a deployable system running east/west on 1st Street (up to approximately six to nine feet high). Similar to the Selected Alternative, Alternative 1 also featured two options for Resist structures along/within the northern side of the Hoboken Terminal Rail Yard, as well as gates for access at the Marin Boulevard, Grove Street and Newark Avenue underpasses beneath the rail lines, as well as protection where HBLR tracks pass below the NJ TRANSIT overpass in the southwest corner of the Study Area.

Alternative 2

The Alternative 2 Resist structure was proposed to begin near the HBLR Lincoln Harbor station at Waterfront Terrace at an initial height of approximately 6.5 feet, traveling along Weehawken Cove, where it would incorporate urban amenities and park spaces similar to that of the Selected Alternative. The structure would continue to 15th Street and travel east along 15th Street from the northern end of Garden to Washington Streets at a height of approximately seven to eight feet high. The Resist feature would then continue south along Washington Street, tapering to ground level at 13th Street. Street crossings would feature gates to allow for access during non-flood conditions. Consideration would also have been given to adapting the use of structures in a way that provides urban amenities and landscape enhancements including elevated walkways and pocket parks, plantings, and/or seating areas along Washington Street. Similar to the Selected Alternative, the southern portion of Alternative 2 included two options along/within the northern side of Hoboken Terminal Rail Yard as well as gates for access at the Marin Boulevard, Grove Street and Newark Avenue underpasses beneath the rail lines, as well as protection where HBLR tracks pass below the NJ TRANSIT overpass in the southwest corner of the Study Area.

5.0 ALTERNATIVES ANALYSIS

The Alternatives Analysis was conducted to guide the decision-making process and in accordance with 40 CFR 1505.1(e) that led to the Selected Alternative. The criteria used in this evaluation examined the ability of each alternative to meet the Purpose and Need of the Project while still taking practicable measures to avoid, minimize, and mitigate potential impacts to the built, natural, and social environment. The purpose of the Project is to reduce the flood risk to the Study Area. The Project intends to minimize the impacts from coastal storm surge on the community, including adverse impacts to public health, while providing benefits that will enhance the urban condition and recognizing the unique challenges that exist within a highly developed urban area.

The criteria used in this evaluation (listed below) reflect a refinement of the 21 criteria established in the concept screening process. A full discussion of these criteria (Impact Criteria) can be found in Section 6 of the FEIS.

- Flood Risk Reduction
 - Percentage of Population in Floodplain Receiving Coastal Storm Surge Risk Reduction Benefits
 - Percentage of Study Area in Floodplain Receiving Coastal Storm Surge Flood Risk Reduction
 - Critical Facilities Not Receiving Coastal Flood Risk Reduction
 - Potential to Adapt to Higher Coastal Flood Events
 - Runoff to be Managed by Delay, Store, Discharge (DSD) Components
- Socioeconomics and Build Environment
 - Environmental Justice Populations Receiving Flood Risk Reduction Benefits
 - Public Health Benefits (Acreage No Longer Flooding During Five-Year Rainfall Events and Population Within this Acreage)
 - Location of Adverse Viewshed Impacts
 - Length of Waterfront Access Impacted (Linear Feet)
 - New or Improved Park Space (Acres)
 - Connectivity and Circulation
- Benefit Cost Analysis
 - Benefits for Resist (Millions)
 - Estimated Resist Infrastructure Costs (Millions)
 - Estimated Resist Cost Contingency (Millions)
 - Estimated Total Resist Infrastructure Cost (Millions)
 - Resist Benefit-Cost Ratio
 - Total Project Benefit-Cost Ratio (Includes Resist and DSD)
- Construction, Maintenance and Operations
 - Constructability
 - Temporary Construction Impacts (Acres)
 - Estimated Annual Maintenance Cost (Millions)
- Environmental Impacts
 - Recognized Environmental Conditions (RECs)

- Freshwater Wetlands Within Construction Footprint (Square Feet)
- Impacts to Threatened and Endangered Species and Essential Fish Habitat
- State and Federal Environmental Permitting
- Number of Historic Properties with Adverse Effects
- Acres of Potential Archeological Resources Affected
- Number of Noise Receptors Impacted During Construction

All three of the Build Alternatives considered would meet the Purpose and Need of the Project. In particular, all of the Build Alternatives Resist components would provide coastal storm surge flood risk reduction for a substantial portion of the population within the existing preliminary FEMA 100-year floodplain and the DSD strategy would eliminate rainfall flooding associated with a storm equal to or less than a 5-year rainfall event for approximately 8,000 people. In addition, the Project would provide socioeconomic benefits to minority and low-income populations as a result of reduced coastal storm surge and rainfall flooding frequency, to the overall economic condition of the Study Area as a result of reduced coastal storm flood damage, and to public health as a result of removal of contaminated soils and reduced frequency of combined sewer overflow events. No changes to land use or zoning are proposed for the Resist Structures under any of the three Build Alternatives. Some of the DSD components would involve converting vacant land to recreational land.

Alternative 1's Resist component would have the greatest impact on viewsheds and waterfront access (approximately 7,950 feet of waterfront access impacted), both of which are highly valued by residents within the Study Area. By comparison, impacts on the viewsheds and waterfront access are minimal under both Alternatives 2 and 3 (approximately 150 feet of waterfront access impacted) because these alternatives are primarily located inland. In addition, Alternative 1's Resist feature would require the greatest number of gates (29 to 31), which increases operation and maintenance costs and increases the risk of failure due to operational error. Alternative 1 would also require more easements on private property (approximately 16 properties requiring easements), as compared to Alternatives 2 and 3 (approximately 6 properties requiring easements). The construction of Alternative 1's Resist feature would also entail the highest cost of all Build Alternatives.

For these reasons, Alternative 1 was not recommended as the Selected Alternative.

The two most important differences between Alternatives 2 and 3 are impacts in the area around 15th Street and Washington Street in Hoboken (both in terms of impacts to the community and in benefits from coastal surge reduction) as well as annual operating and maintenance costs. For Alternative 3, the routing of the Resist feature down the alleyway would reduce the impact of the Resist feature on the local community in the northern part of Hoboken by placing it behind structures and reducing impacts to the street grid. This is reflected in that only seven to 18 parking spaces would be removed under Alternative 3, compared to removal of 15 to 31 parking spaces in Alternative 2, which would involve routing the Resist feature along a longer stretch of Washington Street, as well as on 15th Street. The construction costs are also slightly lower under Alternative 3, which is reflected in a higher benefit cost ratio for the Resist portion of Alternative 3 (5.05 for Alternative 3 vs. 4.83 for Alternative 2). The lower

estimated annual maintenance and operating costs for Alternative 3 is the result of it requiring the least number of gates (19 to 23 gates) and having the shortest overall Resist feature length.

For these reasons, Alternative 2 was not recommended as the Selected Alternative, and Alternative 3 is the Selected Alternative.

Alternative 3 Resist Option 1 and Option 2

As described in Section 3, Alternative 3's Resist component contains two options in the NJ TRANSIT rail yard. Option 1 is located partially within the yard, whereas Option 2 travels along the northern edge of the yard, roughly parallel to Observer Highway. The FEIS recognized in relevant resource sections where differentiation between impacts from Option 1 and Option 2 exist. For example, Option 1 would provide flood risk reduction for the Hoboken Yards Redevelopment Area, whereas Option 2 would not. The FEIS also recognizes that Option 2 could pose challenges because it would potentially impact accessibility for the redevelopment area, depending upon the nature of the proposed redevelopment. In addition, Option 2 would not involve long term operational impacts to the rail yard, whereas Option 1 would require NJ TRANSIT to decommission infrastructure north of the Resist structure. The mitigation measures for either Option 1 or Option 2 would be as described in the FEIS and in pertinent resource areas in Tables 1 and 2 in Appendix 2.

NJ TRANSIT, the property owner, is aware of both Option 1 and Option 2 on their property. The Option constructed will be determined when a decision is made regarding the Hoboken Yard Redevelopment Area during final design.

6.0 SUMMARY OF ENVIRONMENTAL IMPACTS

The following list summarizes the environmental impacts of the Project on the natural and built environment as determined through the technical studies and analyses conducted throughout the NEPA process and described in the FEIS. Table 4.45 located in Section 4.10 of the FEIS presents a comparison of each alternative's impacts. The impacts below are associated with the Selected Alternative (Alternative 3) only:

Geology: Negligible Impact

Soils: Short-term, negligible impacts

Groundwater: Short-term, minor impacts no long-term impacts

Surface Water: Negligible impacts during construction and negligible long-term benefits from reduction in CSO discharge

Floodplains: Minor, long-term adverse impacts resulting from 2.8 acres of permanent floodplain disturbance and five properties expected to receive minor increases in flooding

Aquatic Ecology: Short-term, negligible impacts

Wetlands: Minor, long-term loss of 230 square feet of marginal wetlands

Upland Wildlife and Vegetation: Short-term, negligible to minor impacts

Endangered Species: Short-term, negligible impacts: Not Likely to Adversely Affect

Archaeological Resources: Potential adverse impacts to an unknown number of significant archaeological sites

Historic Architecture: Minor, long-term impacts on historic setting resulting in Adverse Effects on three historic properties for Option 1 and two historic properties for Option 2

Air Quality: Minor, short-term impacts, meets general conformity requirements for all criterial pollutants

Greenhouse Gas: Minor greenhouse gas emissions during construction and operations

Noise: Adverse short-term noise impacts to schools, recreational users and residents of moderate intensity over the duration of construction

Vibration: Potential for minor to severe short-term structural impacts to 65 to 103 buildings. No long-term impacts anticipated because contractor would be responsible for repairing damages

Hazardous Waste: Moderate, long-term beneficial impacts

Population and Demographics: Major, long-term beneficial impacts due to reduced flood risk from coastal storm surge and rainfall events

Minority and Low Income Populations: Major, long-term beneficial impact due to reduced flooding and minor adverse impacts during construction

Public Health: Major, long-term benefits to 7,870 residents whose homes would no longer be flooded during a rain storm equal to or less than a five-year rain event

Economic Conditions: Major, long-term economic benefits totaling \$1.782B, minor short-term disruption to businesses during construction offset by local hiring and expenditures by construction crews

Land Use and Zoning: No changes to Land Use and Zoning for Resist. Would require seven permanent easements on 0.7 acres and permanent loss of seven to 18 parking spaces. DSD would result in long-term benefit to land use through changing vacant land to recreational uses

Viewshed: Negligible impacts

Open Space: Long-term, beneficial impact through creation or enhancement of 8.55 acres of open space/parkland (2.55 acres from Resist, six acres from DSD)

Transportation: Moderate, short-term adverse impacts to traffic and circulation during construction

Infrastructure: Minor, short-term disruption of service due to relocation of utilities for construction of Project infrastructure

7.0 PROGRAMMATIC AGREEMENT

In 2013, FEMA in association with the NJHPO, the New Jersey State Office of Emergency Management, the ACHP, the Absentee Shawnee Tribe of Indians of Oklahoma, the Delaware Nation, the Delaware Tribe of Indians, the Shawnee Tribe of Oklahoma, and the Stockbridge Munsee Band of the Mohicans, executed the FEMA New Jersey State-wide Programmatic Agreement (PA) for Projects receiving CDBG-DR funding for Superstorm Sandy, otherwise referred to the Sandy PA. The Sandy PA established procedures for undertakings associated with FEMA appropriated Superstorm Sandy funds and the potential effect of such undertakings on resources eligible for listing in the National Register (executed April 30, 2013 and amended May 1, 2015). It was determined that a Project specific PA is needed since the overseeing agency (NJDEP) cannot fully determine how the Project's undertaking may affect historic properties given the Project's APE involves multiple actions that could adversely affect historic properties.

Therefore, following Stipulation II.C.7.c of the Sandy PA (executed April 30, 2013 and amended May 1, 2015), NJHPO and the other consulting parties to this project have developed a PA specific to RBD-HR. This RBD-HR PA has been developed in accordance with 36 CFR § 800.14(b) to identify programmatic conditions or treatments to govern the resolution of potential or anticipated adverse effects from certain complex project situations for the RBD-HR Project undertaking. The RBD-HR PA contains elements that resolve the project's adverse effects to historic properties through avoidance, minimization or mitigation.

The RBD-HR PA includes methods to complete the identification of historic properties (36 CFR 800.4), assessment of project effects (36 CFR 800.5) and resolution of adverse effects (36 CFR 800.6) that will occur during final design of the Project. This PA, to be implemented by NJDEP, on behalf of NJDCA and in consultation with NJHPO and the final design consultant, will provide methods to complete the Section 106 process.

A draft version of the RBD-HR PA was included in Appendix G of the FEIS. The executed RBD-HR PA is included in this document as Appendix 3.

8.0 MITIGATION MEASURES TO AVOID OR MINIMIZE HARM

All practicable means to avoid or minimize environmental harm from the Project have been adopted. This section summarizes the best management practices (BMPs) and mitigation measures developed in the RBD-HR FEIS for the Selected Alternative (Alternative 3). These measures are summarized in the tables in Appendix 2. Table 1 provides the mitigation measures for Resist and Table 2 provides the mitigation measures applicable to the DSD portion of the Project. The tables are organized by environmental discipline as described in Section 4 of the FEIS.

9.0 MONITORING/ENFORCEMENT AND ONGOING COORDINATION

For Resist and DSD components of the Project, the commitments and conditions of approval stated in the FEIS will be monitored by NJDCA/NJDEP and/or its agents, and other appropriate federal, state, and local agencies to ensure conformance with mitigation commitments. Agency and stakeholder coordination will continue during project development, design and the permit process. Construction monitoring and enforcement programs will be implemented and included in contract documents to verify that construction contractors carry out project construction in accordance with contract provisions and design plans, required permit conditions, adopted environmental commitments and mitigation requirements.

During final design, the project team will work with the communities to finalize the urban design considerations and amenities to be incorporated into the Project's Resist component. This coordination will emphasize the usage of context sensitive designs that will be mindful of the existing urban fabric to help mitigate impacts of the structures on the community. During construction, the Project will also involve outreach and coordination with communities and impacted property owners to help mitigate construction-related impacts.

N.J.A.C. 7:13 prohibits issuance of a permit for any project that may result in increased flooding of other properties in a floodplain. Current coastal surge modeling indicates that five properties will experience increased floodwater depth during a 100-year storm as a result of the Project. The nature of development on these properties includes rail yards, parking lots, and residential structures. For the Project to be compliant with the state laws, if impacts cannot be minimized or avoided either an easement on these properties must be acquired, or written permission must be secured from the affected property owner to authorize the modeled increase in flooding. Additional flood modeling and outreach with impacted property owners during the final design phase of the Project will enable site-specific mitigation measures to be developed for the impacted properties prior to the application for the Flood Hazard permit.

Coordination and communication with federal, state and local partners is critical in the implementation of the Project. Recognizing the on-going resiliency work that is being conducted in the Lower Hudson River, NJDEP intends to coordinate Project activities through participation at future Sandy Regional Infrastructure Resilience Coordination (SRIRC) Federal Review and Permitting (FRP) meetings and Coastal Hudson County Technical Coordination Team (TCT) meetings. NJDEP will provide Project updates and will meet with these other teams as the Project moves forward. Short-term cumulative impacts may result from overlapping construction activities. While these impacts will be mitigated so as not to extend beyond the construction period of the Resist feature or the construction/installation of a particular DSD element, the potential exists for construction to overlap resulting in increased impacts on a short-term basis.

The construction of the Hudson Tunnel, which is expected to commence in mid-2019, may overlap with construction of RBD-HR elements and contribute to vehicular traffic, construction noise and vibration, pollutant and greenhouse gas emissions, and congestion to the surrounding communities, particularly in northern Hoboken. The focus of Hudson Tunnel activities within the cumulative impact study area will be at the proposed site of the vent shaft located

in Northern Hoboken directly south of The Shades neighborhood in Weehawken. Coordination between the RBD-HR and the Hudson Tunnel design teams is ongoing to make sure that the two projects can proceed without conflicts. If construction occurs concurrently, the contractors will coordinate to verify that adverse traffic impacts are avoided or mitigated.

Recognizing the extensive coordination effort between the municipalities, agencies and the community, an Operations and Maintenance (O&M) plan for the RBD-HR Project is being prepared. The O&M plan will describe the procedures and responsibilities for routine maintenance, communication and timing of activation in the event of an impending storm condition. Closure of the gates, for both periodic maintenance and during an emergency event, will be closely coordinated with NJ TRANSIT operations, Hudson County, and municipal area emergency management operations and activities. The timing of gate closures will be incorporated into the NJ TRANSIT, Hudson County, and municipal revised emergency management plans. The O&M plan will include procedures to be followed by the various stakeholders, such as NJ TRANSIT, other public transit operators and local officials so that the timing of gate closures and public transit service closures is coordinated. The participants in the O&M planning and development may include, but are not limited to, entities such as the NJDEP, the cities of Hoboken, Jersey City and Weehawken, NJ TRANSIT, Port Authority of New York & New Jersey, Hudson County, Jersey City Municipal Utilities Authority, North Hudson Sewerage Authority, and the New Jersey Office of Emergency Management.

10.0 COMMENTS ON FINAL EIS

The Notice of Availability of the FEIS was published on June 16, 2017 with the comment period ending on July 17, 2017. Eight commenters provided comments:

- Nathan Meryash (PC1)
- NJDEP Bureau of Evaluation and Planning (PC2)
- Ken Rood (PC3)
- Marguerite Zaira (PC4)
- Citizen's Advisory Group (CAG) (PC5)
- John Carey (PC6)
- Mayor Zimmer (Hoboken) (PC7)
- U.S. Environmental Protection Agency (PC8)

The following is a summary of comments and responses. Some commenters had multiple comments and are addressed in multiple responses below. Copies of comments are included in Appendix 4.

1. **Comment:** Commenter provided pictures of local flooding in southwest Hoboken after a rainstorm. Commenter asked for this to be considered by the project. **(PC1)**
Response: The FEIS and stormwater flood modeling considered the flooding issues in this part of the community.

2. **Comment:** The Commenter noted that the Hazardous Waste chapter (Section 4.7 of the FEIS) states that indirect air quality impacts may occur as a result of vehicle emissions from trucks hauling excavated contaminated soils to disposal facilities during construction. The NJDEP BEP stated that if air emissions from these sources are above the de minimis thresholds associated with Federal General Conformity then a conformity determination would be required. **(PC2)**
Response: Emissions resulting from haul trucks transporting spoils from the construction site were included in the construction-related air quality assessment (see Section 4.6 of the FEIS). On-site haul truck/dump trucks and other construction equipment emissions (see Table 4.30 within the FEIS) were modeled utilizing USEPA's NONROAD, incorporated within MOVES2014a. Total emissions were predicted to be below de minimis thresholds defined in 40 CFR 93 § 153 (see Table 4.34 within the FEIS) for all analysis years. A conformity determination is therefore not required.

3. **Comment:** Commenter states that the current funding is inadequate to fund the entire project and will only be enough to fund either the storm surge barrier (Resist) or the inland drainage features (DSD). Commenter recognized that the overall project will be implemented over several decades and states that the project area will likely see multiple inland flooding events but may not experience another storm surge flooding event during that time. Therefore, the commenter states that the inland flooding elements should be implemented first. **(PC3)**

Response: As described in Section 1.0 of the FEIS, the grant funding for this project is for Phase 1 of the project (Resist). A completed Resist alignment will be constructed with current available funding (\$230 million) and a pilot or demonstration DSD project may be constructed if there are remaining funds available. The pilot DSD project will consist of one or several DSD components included in the Selected Alternative. The remaining DSD components of the Selected Alternative are anticipated to be constructed over the next 15 to 20 years as a part of a future storm water strategy that can be implemented by the City of Hoboken and/or other partners, and can be integrated into the city's existing plans.

4. **Comment:** Commenter states that the project does not address inland rainfall and that the project does not demonstrate a reduction in the FEMA Flood Hazard Area as it claims. Commenter states that the analysis should show where flood reduction and insurance rate reductions would occur. (PC3)

Response: As described in FEIS Section 2.3 Goals and Objectives, the Project seeks to contribute to the community's ongoing efforts by developing alternatives that are consistent with Hoboken's overall effort of reducing FEMA flood insurance rates. The National Flood Insurance Program (NFIP) Community Rating System (CRS) allows municipalities to reduce their flood insurance rates through implementation of comprehensive floodplain management. Location-specific flood reduction and insurance rate reductions are subject to final design parameters and the efforts by the City to of reducing FEMA flood insurance rates. The Project contributes to this effort.

5. **Comment:** Commenter states that additional local-scale air quality models should be conducted by independent environmental scientists and that funding should be provided to conduct this. Commenter appears to state that the DEIS concluded that no mitigation measures were required due to the projected emission levels of greenhouse gasses and attainment status of other criteria pollutants. Commenter further states that mitigation measures need to be addressed in the event high levels of toxic substances are found, such as lead (Pb), from fugitive dust sources. Commenter states that monitoring for these pollutants and others (including Ozone) should occur on a local level during construction. (PC4)

Response: All modeling analyses performed for the FEIS (and detailed within the Air Quality Technical Environmental Study) projected localized emissions as a result of construction activities. All modeling was performed utilizing the USEPA's approved emissions models and guidance.

Regarding monitoring, there is no federal, state or municipal requirement to provide on-site air monitoring during construction. It is noted, however, that the FEIS and DEIS did include several air control mitigation measures and BMPs that would be included within construction contract documents (see Section 4.6.3.1 of the FEIS). These control measures include the requirement to utilize ultra-low sulfur diesel fuel to power construction equipment, limit idling times to less than three minutes on diesel and gasoline powered engines pursuant to N.J.A.C. 7:27-14 and N.J.A.C. 7:27-15, as well as locate exhausts away from residential buildings, especially air intake vents. In addition, the control measures listed include utilizing on-site dust control measures such as limiting truck speeds to 5 mph (lower speeds reduce dust generation), requiring open-body trucks to be covered when transporting materials, and spraying dust suppressing agents on any dust piles, as well as during demolition, land clearing and grading activities.

Regarding Pb emissions, no building demolition is proposed for this Project that may result in elevated Pb emissions, such as structures with lead-based paint.

6. **Comment:** Commenter stated that the Project should develop a priority or hierarchy scheme for DSD implementation. The CAG also suggested that the Project prioritize construction of the NJ TRANSIT DSD site, including associated sewer upgrades at the Hoboken Housing Authority, facilitate the construction of the Northwest Resiliency Park (former BASF site), assist facilities located seaward of the proposed Resist structure, and provide funding for an educational curriculum for the community. (PC5)

Response: Regarding the DSD pilot program, NJDEP will consider sites based on coordination with stakeholders and available funds. At this time, the lack of information regarding funding and availability to construct are barriers to prioritizing individual DSD sites; however, the City of Hoboken has identified the Northwest Resiliency Park (former BASF site) can be constructed with the City's funding sources. . NJDEP will continue to coordinate with the City of Hoboken on future DSD sites as funding becomes available.

Regarding assistance to facilities located seaward of the Resist structure, The City of Hoboken has presented a draft bill to the State Assembly that would authorize the City to create an infrastructure trust fund. The bill will be reviewed by the 33rd District legislative leaders and then voted on by the state legislature.

Educational programming was not part of the commitment of the HUD grant funding for this project; however, materials generated for the project may be used in future educational programming by others.

7. **Comment:** Commenter stated that they want the community outreach plan to be updated to identify site-specific mitigation measures for individual buildings along the proposed route and identify additional outreach methods to communicate impacts related to noise, traffic and vibration. The CAG also stated that construction equipment routes need to be planned to reduce impacts to local streets and community facilities. (PC5)

Response: The Community Outreach Plan (COP) is a living document that can be updated as necessary as the project progresses. Regarding noise and vibration, the construction contractor will utilize alternative construction methods as needed and will be required to develop a Vibration Control and Monitoring Plan (see Appendix 2). Regarding construction routes and traffic impacts, the contractor will utilize alternative routes as much as feasible to reduce impacts to local residents and businesses during construction. Continued outreach and coordination with local residents, businesses and agencies will occur as the project progresses through final design and construction.

8. **Comment:** Commenter stated that minimizing impacts (short and long term) to historic resources should be a project priority. (PC5)

Response: Efforts to minimize impacts and mitigate impacts when they occur are detailed in the Project's executed Section 106 Programmatic Agreement (see Appendix 3). The Programmatic Agreement will be

followed throughout design and construction to avoid and or minimize impacts to above and below ground historical resources.

9. **Comment:** Commenter expressed concern that the proposed outfall associated with DSD within Hoboken Cove may impact water quality, thereby impacting the activation of recreational activities at Harborside Park. Commenter suggested extending the outfall into the Hudson River so that water quality at the cove is not impacted. (PC5)

Response: It appears that commenter is referring to the proposed outfall at Weehawken Cove. As described in Section 4.1.3.4 of the FEIS, the Project's outfalls (both associated with the DSD components and the High Level Storm Sewer [HLSS] components) are anticipated to have negligible effects on water quality. The proposed outfalls will convey storm water (rainfall) only and will not convey sewage or combined storm-sewer water. Further, the system itself (DSD) is meant to increase the NHSA system's storage capacity for rainfall runoff, thereby reducing the number of combined sewage overflow (CSO) events. The DSD system will then slowly discharge the collected rainfall once the storm conditions have abated and the system is able to convey the water without leading to a CSO event. This will have an overall benefit on water quality in the Hudson, although this benefit may be negligible when compared to the overall quantity of current discharges from other CSO systems in the region.

10. **Comment:** Commenter stated that subsurface investigations should be prioritized and expedited to determine whether scope-limiting conditions exist along the proposed alignment. (PC5)

Response: The final design phase will include subsurface investigations along the proposed Resist alignment.

11. **Comment:** Commenter stated that the designer should conduct additional modeling to verify the modeling conducted during the feasibility phase. Commenter stated that the model should incorporate new information during the design phase and incorporate new information from FEMA and other federal agencies. Commenter stated that the model should be simulated and provided as an animation on the project website. (PC5)

Response: The final design phase of the project will incorporate relevant site-specific information into flood and hydrologic modeling.

12. **Comment:** Commenter stated that the project should provide construction and Operations and Maintenance (O&M) cost estimates at each design milestone so that funding deficiencies or excess of funds are identified as early as possible. (PC5)

Response: Regarding cost estimates, these will be reevaluated at various design milestones during final design. Regarding O&M funding, as stated in the project's Action Plan Amendment Appendix A, the DCA recognizes that O&M costs must be provided from sources other than the CDBG and CDBG-DR funds. The Operation and Maintenance Plan and any required agreements will detail the specific responsibilities of each individual party and will be executed during the final design phase.

13. **Comment:** Commenter provided suggestions regarding construction material delivery to and from the construction site using alternative methods such as rail and waterfront delivery. Commenter expressed concern regarding traffic congestion on local streets from the delivery of construction materials. Commenter also expressed concern regarding the potential for increased congestion if the proposed Hudson Tunnel project's construction overlaps with the RBD-HR construction period. **(PC6)**

Response: Construction routes will be developed as part of final design in coordination with local stakeholders and agencies in an effort to minimize traffic impacts. Regarding the Hudson Tunnel project, coordination between the RBD-HR and the Hudson Tunnel design teams is ongoing to make sure that the two projects can proceed without conflicts. If construction occurs concurrently, NJDEP will coordinate with NJ TRANSIT to verify that adverse traffic impacts are avoided or mitigated.

14. **Comment:** Commenter stated their support for the Project. Commenter stated that the final design phase should ensure that the Resist component integrates into the urban community and provides co-benefits and amenities. Commenter stated that any additional funds should go towards the proposed NJ TRANSIT DSD site to help protect the residents of the adjoining Hoboken Housing Authority. Commenter also stated that as the Project progresses, the project team must ensure that there is robust communications, education and outreach. **(PC7)**

Response: Regarding the DSD pilot program, NJDEP will consider sites based on coordination with stakeholders and available funds. Continued outreach and coordination with local residents and businesses will occur as the project progresses through final design and construction.

15. **Comment:** Commenter recognized the coordination that occurred between the NJDEP, HUD and EPA to resolve the EPA's comments on the DEIS. Commenter states that the FEIS better characterizes the indirect effects and cumulative impacts of the project, as well as impacts in the disciplines of air quality, children's health and environmental justice. **(PC8)**

Response: Thank you for your comment.

11.0 APPROVAL

Based on the analysis and evaluation presented in the FEIS and supporting technical documents; the associated administrative record; and input received from the public and interested local, State, and Federal agencies; the NJDCA decision is to provide environmental approval for the construction of the Rebuild by Design - Hudson River Project in Hoboken, Weehawken, and Jersey City in Hudson County. The decision adopts Alternative 3 (Preferred Alternative) as the Selected Alternative for this Project.

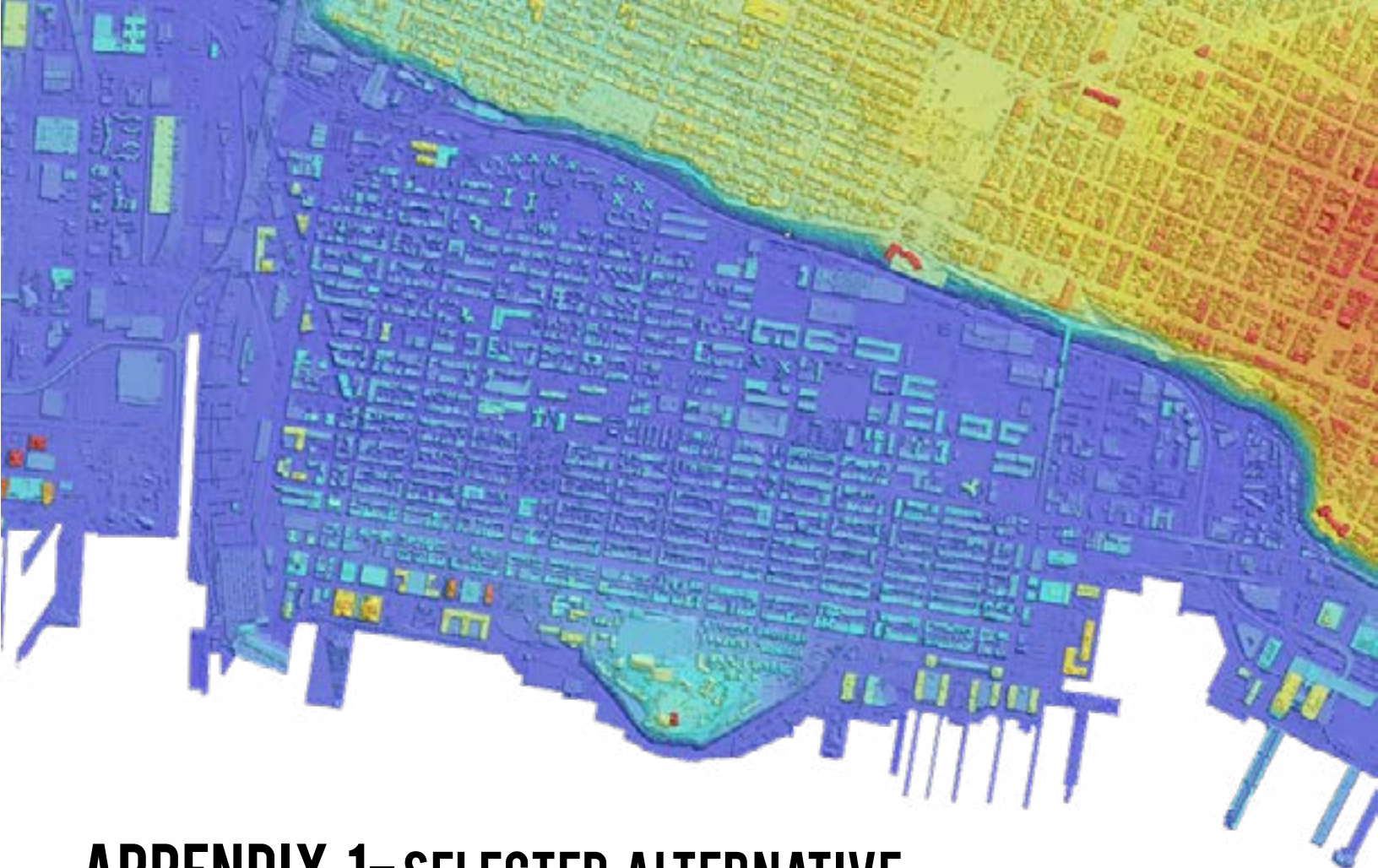
As identified by the original RBD Hudson proposal, a completed Resist alignment will be constructed with current available funding and a pilot or demonstration DSD project may be constructed if there are remaining funds available. The pilot DSD project will be one or more DSD components included in the Selected Alternative.

9/7/17

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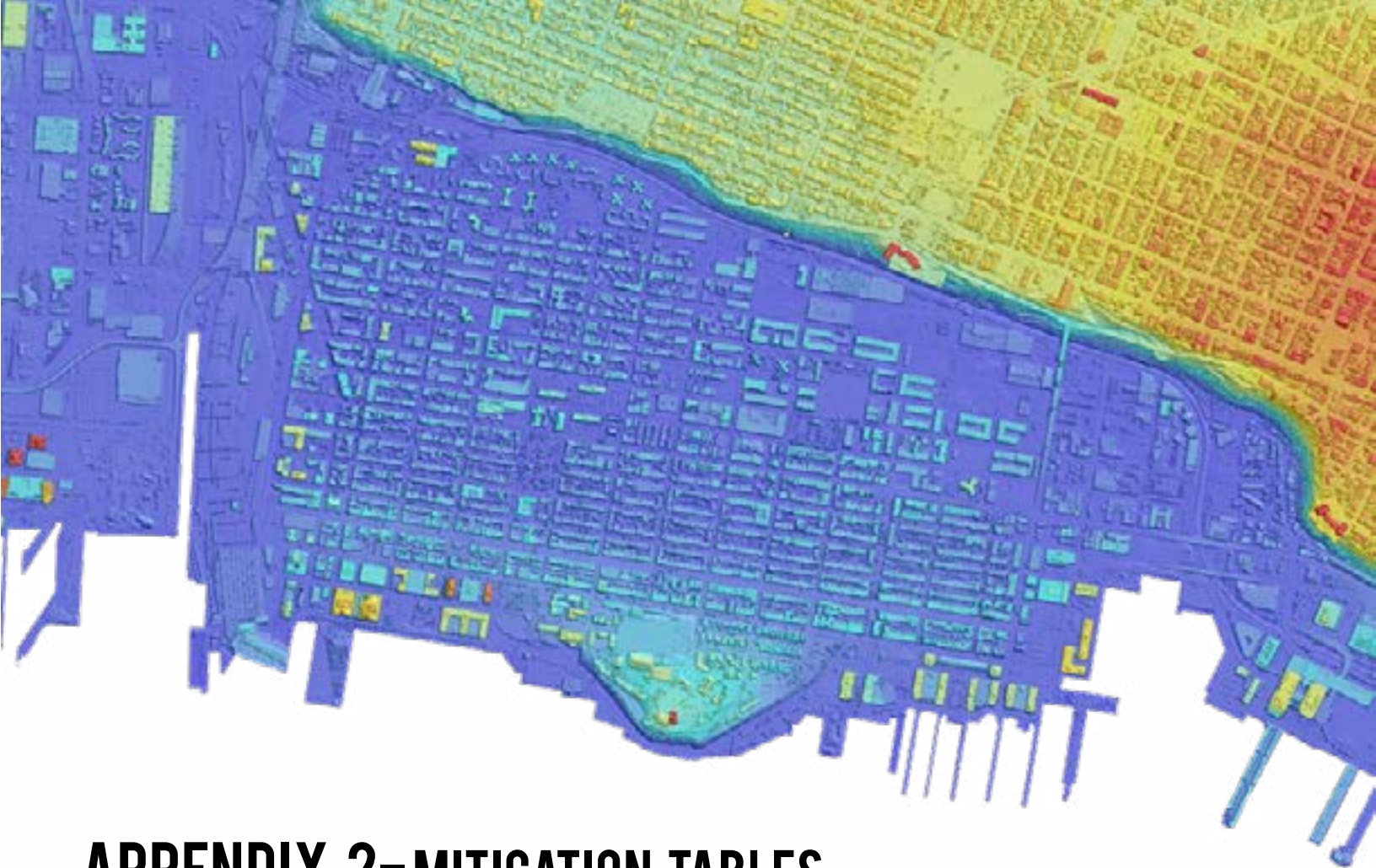


Charles A. Richman
Commissioner
New Jersey Department of Community Affairs



APPENDIX 1-SELECTED ALTERNATIVE





APPENDIX 2-MITIGATION TABLES



Appendix 2
Rebuild by Design - Hudson River Project -
Selected Alternative (Alternative 3) Mitigation Measures

The following is a summary list of mitigation measures, permits, and coordination efforts for the Rebuild by Design - Hudson River project. Nearly all of the environmental impacts arising from the implementation of the Project (both Resist and DSD features) are expected to be short term in nature and confined primarily to the duration of construction activities. The following measures are primarily to address those impacts during construction, unless described otherwise (e.g., ongoing measures to mitigate impacts from operations and maintenance). These mitigation measures may be further refined as the project moves through the final design and permitting processes. In addition to the list below, best management practices (BMPs) will be included in the Project's required permits. A full discussion of mitigation measures and possible BMPs is included for each discipline in the FEIS.

Table 1

Resist Mitigation Measures, Permits and Coordination Efforts according to Discipline and Resource

DISCIPLINE	RESOURCE	RESIST MITIGATION MEASURES, PERMITS AND COORDINATION EFFORTS
Natural Resources	Soil	<ul style="list-style-type: none"> • In-water coffer dams and silt curtains, or other equivalent device, will be used in all areas where waterfront bulkhead reconstruction or replacement is undertaken. • A stormwater pollution prevention plan (SWPPP) will be completed in accordance with requirements under NJ code, which is expected to substantially reduce the risk of off-site transport of soils. • Pursuant to NJAC 7:8-2.2, the selected alternative will be designed to meet the NJDEP goals of stormwater management planning. • A soil erosion and sediment control plan will be prepared.
Natural Resources	Groundwater	<ul style="list-style-type: none"> • Dewatering Permit-by-Rule may be applicable. Conditions of these permits will outline measures designed to avoid any impacts to groundwater. • A Soil and groundwater Sampling, Analysis, and Monitoring Plan (SAMP) will be implemented to identify and address any potentially hazardous materials encountered during groundwater de-watering activities.
Natural Resources	Surface Water	<ul style="list-style-type: none"> • In-water cofferdams and silt curtains, or other equivalent device, will be used in all areas where bulkhead reconstruction or replacement is undertaken. • Timing/construction restrictions will be implemented as necessary to avoid spawning periods and sensitive life stage timeframes for various aquatic species and/or as required by permit. • A SWPPP will be completed in accordance with requirements under NJ code. • The stormwater management plan developed will meet NJDEP stormwater regulation requirements.
Natural Resources	Floodplains	<ul style="list-style-type: none"> • The project will obtain a permit pursuant to the New Jersey Flood Hazard Area Control Act rules at N.J.A.C. 7:13.
Natural Resources	Aquatic Ecology	<ul style="list-style-type: none"> • Installation of cofferdams for in-water work will be done prior to January 15 and removed after May 31 of any given year. Turbidity curtains may be removed at any time. • Outfalls will be designed to minimize potential for scouring of sediments at the discharge points. Further consultation with NMFS Habitat Conservation Division is required and will occur during final design.

Appendix 2
Rebuild by Design - Hudson River Project -
Selected Alternative (Alternative 3) Mitigation Measures

DISCIPLINE	RESOURCE	RESIST MITIGATION MEASURES, PERMITS AND COORDINATION EFFORTS
Natural Resources	Upland Vegetation and Wildlife	<ul style="list-style-type: none"> Prior to any vegetation clearing, a pre-construction nest survey will be completed to identify active nests. If active nests of nesting birds identified to be protected under the US Fish and Wildlife's Migratory Bird Treaty Act (MBTA) are observed in the project area, protective buffer zones around the nest will be established (dependent on species) and construction will be allowed to commence only when the young are fully fledged and able to fly.
Cultural Resources	Archaeological Resources	<ul style="list-style-type: none"> Measures will be implemented in accordance with the Section 106 Programmatic Agreement (see Appendix 3 of the Record of Decision).
Cultural Resources	Historic Architectural Resources	<ul style="list-style-type: none"> Measures will be implemented in accordance with Section 106 Programmatic Agreement (see Appendix 3 of the Record of Decision).
Noise	Noise	<ul style="list-style-type: none"> Require the contractor to develop a Noise Control and Mitigation Plan based on proposed equipment and methods to document construction noise criteria, expected noise levels and noise control measures that will be implemented to comply with noise regulations including the Noise Ordinance of the Hudson Regional Health Commission (NOHRHC). Under final design, a building noise attenuation study will be performed for the Elysian Charter School (1460 Garden Street) and the Hoboken Montessori Schools (158 14th Street and 1485 Bloomfield Street). The building noise attenuation study for these schools will be performed to verify the noise attenuation value. With windows closed during months when the Elysian Charter School of Hoboken (which has an HVAC system) is in session, noise impact can be reduced to four months. Both Montessori Schools are located within buildings that provide ventilation (i.e., air conditioning) and do not possess operable windows. The construction activities adjacent to these schools should occur during periods of lower attendance such as during summer recess in order to minimize noise impact. Require third-party compliance construction noise monitoring. A public education campaign will be implemented to advise recreational users of daytime noise levels during the construction period.

Appendix 2
Rebuild by Design - Hudson River Project -
Selected Alternative (Alternative 3) Mitigation Measures

DISCIPLINE	RESOURCE	RESIST MITIGATION MEASURES, PERMITS AND COORDINATION EFFORTS
Vibration	Vibration	<ul style="list-style-type: none"> Conduct a pre-construction survey of all buildings within 136 feet of the Resist structure, appropriately classify as Category II or Category IV, and identify existing cracks and building conditions. Require the development and implementation of a Vibration Control and Monitoring Plan, which documents vibration structural damage response action levels and stop-work levels, expected vibration levels during driving activities and methods to control vibration. Require third-party compliance construction vibration monitoring.
Visual and Aesthetic Resources	Aesthetic Considerations	<ul style="list-style-type: none"> Continued coordination with the affected community will occur during final design. Regarding historic property or historic district impacts, all measures identified in the project's executed Section 106 Programmatic Agreement will be followed (see Appendix 3 of the Record of Decision).
Air Quality	Air Quality	<ul style="list-style-type: none"> The contract documents will include air quality control measures and standard specifications that will be implemented. Three schools were identified to be impacted by construction: the Elysian Charter School of Hoboken and the Hoboken Montessori Schools located ground level within buildings at 158 14th Street and 1485 Bloomfield Street. These schools are located within newly construction buildings possessing heating, ventilation and air condition (HVAC) systems. Closing windows will minimize fugitive dust exposure during Resist structure construction.
Hazardous Materials	Hazardous Materials	<ul style="list-style-type: none"> A Sampling, Analysis, and Monitoring Plan (SAMP) and a Health and Safety Plan (HASP) will be developed and implemented in the proposed construction areas in and adjacent to these Recognized Environmental Concerns (RECs) to assess the presence, type, and level of contamination. All site investigation activities will be performed in accordance with the most current version of NJDEP Technical Requirements for Site Remediation, N.J.A.C. 7:26E, and other applicable guidance documents. Prior to construction, a Material Management Plan (MMP) will be prepared to address hazardous material encountered. All project activities will be performed in accordance with state and federal regulations, including all applicable Resource Conservation and Recovery Act (RCRA) standards.
Socioeconomics and Land Use	Open Space	<ul style="list-style-type: none"> Improvements for parkland will be planned and designed in coordination with the public to best meet recreational needs of residents. In addition, Jersey City and stakeholders will be consulted for input for ways to reduce potential negative impacts to parkland/open space located on NJ TRANSIT property.

Appendix 2
Rebuild by Design - Hudson River Project -
Selected Alternative (Alternative 3) Mitigation Measures

DISCIPLINE	RESOURCE	RESIST MITIGATION MEASURES, PERMITS AND COORDINATION EFFORTS
Socioeconomics and Land Use	Critical Facilities	<ul style="list-style-type: none"> An Operations and Maintenance (O&M) Plan will be developed by NJDEP in partnership with local municipalities, transit and utility providers, and offices of emergency management and will outline the coordination needed to maintain accessibility in the event a storm occurs. NJDEP will coordinate with local emergency services (including fire, police and ambulance services) to make sure that access to critical facilities is provided to the community during construction.
Socioeconomics and Land Use	Economic Conditions	<ul style="list-style-type: none"> The project will comply with HUD and NJDCA Section 3 requirements. Impacts to businesses during construction will be minimized by signage and provision of temporary access pathways. The project team will coordinate with businesses to address accessibility concerns.
Socioeconomics and Land Use	Minority and Low Income Populations	<ul style="list-style-type: none"> The project will comply with HUD and NJDCA Section 3 requirements.
Socioeconomics and Land Use	Access to Public Transit	<ul style="list-style-type: none"> During construction, all closures for traffic and pedestrians, including temporary detour routes, will be coordinated well in advance with local jurisdictions. An O&M Plan will be developed by NJDEP in partnership with local municipalities, transit and utility providers, and offices of emergency management and will outline the coordination needed to maintain accessibility to public transit in the event of gate closures due to a storm or maintenance activities.
Socioeconomics and Land Use	Children's Health	<ul style="list-style-type: none"> Building noise attenuation studies will be developed for the Elysian Charter School and both locations of the Hoboken Montessori School (14th Street and Bloomfield Street) during final design to confirm building attenuation values utilized to determine interior school noise impact. Noise mitigation, including closing school windows during construction, will assist in minimizing fugitive dust exposure. In addition, project-related air emissions have been estimated to fall below associated thresholds for these alternatives. Mitigation measures intended to minimize noise impact and fugitive dust exposure for this sensitive population as well as the general public will be included within construction contract documents.
Transportation and Infrastructure	Transportation	<ul style="list-style-type: none"> During construction, traffic closures for gate installation would be minimized and performed during off-peak hours. Gate testing and maintenance activities following installation should be performed during off-peak traffic hours to the extent practicable. The O&M Plan will be developed to describe the procedures and responsibilities for routine maintenance, communication and timing of activation in the event of an impending storm condition. The O&M plan will include the procedures to be followed by the various stakeholders, public transit operators, and local officials so that the timing of gate closures and public transit service closures is coordinated.

Appendix 2
Rebuild by Design - Hudson River Project -
Selected Alternative (Alternative 3) Mitigation Measures

DISCIPLINE	RESOURCE	RESIST MITIGATION MEASURES, PERMITS AND COORDINATION EFFORTS
Cumulative Impacts	Cumulative Impacts	<ul style="list-style-type: none"> Mitigation of cumulative impacts includes continued identification and coordination of resiliency projects on the local and regional level.

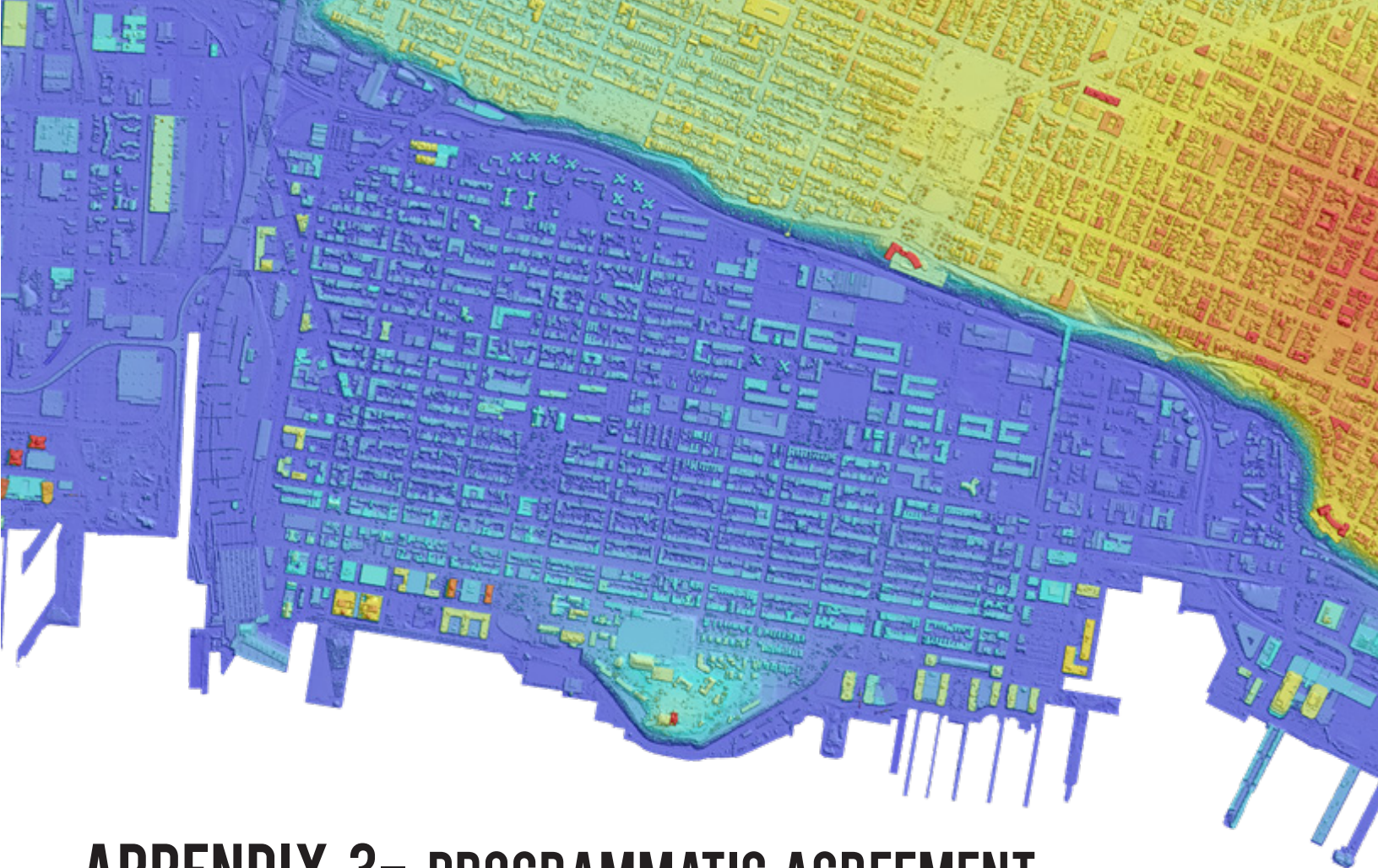
Appendix 2
Rebuild by Design - Hudson River Project -
Selected Alternative (Alternative 3) Mitigation Measures

Table 2
Delay, Store, Discharge (DSD) Mitigation Measures, Permits and Coordination Efforts according to
Discipline and Resource

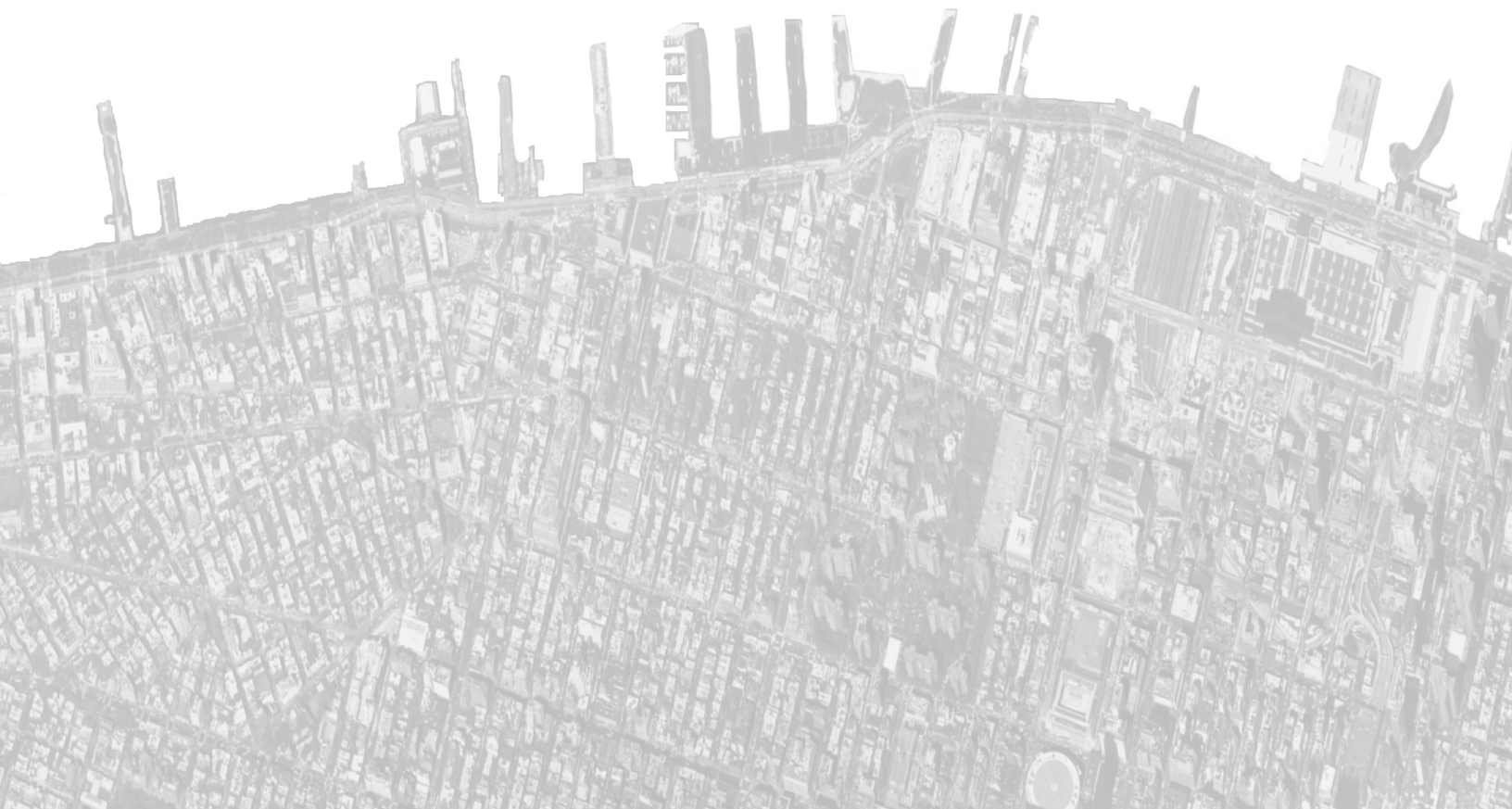
DISCIPLINE	RESOURCE	DELAY, STORE, DISCHARGE (DSD) MITIGATION MEASURES, PERMITS AND COORDINATION EFFORTS
Natural Resources	Soil	<ul style="list-style-type: none"> • In-water coffer dams and silt curtains, or other equivalent device, will be used in all areas where waterfront bulkhead reconstruction or replacement is undertaken. • A stormwater pollution prevention plan (SWPPP) will be completed in accordance with requirements under NJ code, which is expected to substantially reduce the risk of off-site transport of soils. • Pursuant to NJAC 7:8-2.2, the selected alternative will be designed to meet the NJDEP goals of stormwater management planning. • A soil erosion and sediment control plan will be prepared.
Natural Resources	Groundwater	<ul style="list-style-type: none"> • A Dewatering Permit-by-Rule may be applicable. Conditions of these permits will outline measures designed to avoid any impacts to groundwater; and • A soil and groundwater Sampling, Analysis, and Monitoring Plan (SAMP) would be implemented to identify and address any potentially hazardous materials encountered during groundwater de-watering activities.
Natural Resources	Surface Water	<ul style="list-style-type: none"> • A SWPPP will be completed in accordance with requirements under NJ code. • The stormwater management plan developed that will meet NJDEP stormwater regulation requirements. • A soil erosion and sediment control plan would be prepared.
Natural Resources	Aquatic Ecology	<ul style="list-style-type: none"> • Installation of cofferdams for in-water work will be done prior to January 15 and removed after May 31 of any given year. Turbidity curtains may be removed at any time. • Outfalls will be designed to minimize potential for scouring of sediments at the discharge points. Further consultation with NMFS Habitat Conservation Division is required and will occur during final design.
Natural Resources	Upland Vegetation and Wildlife	<ul style="list-style-type: none"> • Prior to any vegetation clearing, a pre-construction nest survey will be completed to identify active nests. If active nests of nesting birds identified to be protected under the US Fish and Wildlife's Migratory Bird Treaty Act (MBTA) are observed in the project area, protective buffer zones around the nest will be established (dependent on species) and construction will be allowed to commence only when the young are fully fledged and able to fly.
Cultural Resources	Archaeological Resources	Measures will be implemented in accordance with the Section 106 Programmatic Agreement (see Appendix 3 of the Record of Decision).
Cultural Resources	Historic Architectural Resources	Measures will be implemented in accordance with the Section 106 Programmatic Agreement (see Appendix 3 of the Record of Decision).

Appendix 2
Rebuild by Design - Hudson River Project -
Selected Alternative (Alternative 3) Mitigation Measures

DISCIPLINE	RESOURCE	DELAY, STORE, DISCHARGE (DSD) MITIGATION MEASURES, PERMITS AND COORDINATION EFFORTS
Noise	Noise	<ul style="list-style-type: none"> Require the contractor to develop a Noise Control and Mitigation Plan based on proposed equipment and methods to document construction noise criteria, expected noise levels and noise control measures that will be implemented to comply with noise regulations. Construct localized three-sided enclosures with roofs around stationary equipment such as compressors and generators. Require third-party compliance construction noise monitoring.
Vibration	Vibration	<ul style="list-style-type: none"> Require the development and implementation of a Vibration Control and Monitoring Plan, which documents vibration structural damage response action levels and stop-work levels, expected vibration levels during driving activities and methods to control vibration. Require third-party compliance construction vibration monitoring.
Hazardous Materials	Hazardous Materials	<ul style="list-style-type: none"> A SAMP and a HASP will be developed and implemented in the proposed construction areas in and adjacent to these Recognized Environmental Concerns (RECs) to assess the presence, type, and level of contamination. All site investigation activities will be performed in accordance with the most current version of NJDEP Technical Requirements for Site Remediation, N.J.A.C. 7:26E, and other applicable guidance documents. Prior to construction, a Material Management Plan (MMP) will be prepared to address hazardous material encountered. All project activities will be performed in accordance with state and federal regulations, including all applicable Resource Conservation and Recovery Act (RCRA) standards.
Socioeconomics and Land Use	Critical Facilities	<ul style="list-style-type: none"> The O&M Plan will be developed by NJDEP in partnership with local municipalities, transit and utility providers, and offices of emergency management and will outline the coordination needed to maintain accessibility in the event of a storm. NJDEP will coordinate with local emergency services (including fire, police and ambulance services) to make sure that access to critical facilities is provided to the community during construction.
Socioeconomics and Land Use	Economic Conditions	<ul style="list-style-type: none"> The project will comply with HUD and NJDCA Section 3 requirements. Impacts to businesses during construction will be minimized by signage and provision of temporary access pathways. The project team will coordinate with businesses to address accessibility concerns.
Socioeconomics and Land Use	Minority and Low Income Populations	<ul style="list-style-type: none"> The project will comply with HUD and NJDCA Section 3 requirements.
Transportation and Infrastructure	Transportation	<ul style="list-style-type: none"> During construction, all closures for traffic and pedestrians, including temporary detour routes, would be coordinated well in advance with local jurisdictions



APPENDIX 3- PROGRAMMATIC AGREEMENT



PROGRAMMATIC AGREEMENT
Among
The New Jersey Department of Community Affairs (NJDCA)
The Advisory Council on Historic Preservation (ACHP)
and
The New Jersey Historic Preservation Office (NJHPO)
Regarding
The Rebuild by Design-Hudson River (RBD-HR) Project in
Hudson County, New Jersey

WHEREAS, United States Department of Housing and Urban Development (HUD) launched the Rebuild by Design (RBD) competition in 2013, inviting interdisciplinary design teams to craft pioneering resiliency solutions to address needs for flood risk reduction within the Hurricane Sandy-affected region; and

WHEREAS, from the RBD competition, HUD selected and awarded the State of New Jersey \$230 million of Community Development Block Grant – Disaster Recovery (CDBG-DR) funds for the implementation of the first phase of the Rebuild by Design-Hudson River (RBD-HR) Project that would provide resiliency and flood protection to the City of Hoboken, and portions of the cities of Weehawken and Jersey City, in association with future coastal storms and severe weather events; and

WHEREAS, the New Jersey Hurricane Sandy Programmatic Agreement (Agreement) was executed on April 30, 2013 and the Amendment to the Agreement (Amended Agreement) was executed on May 1, 2015. In addition to Disaster Declaration, the Amended Agreement covers FEMA Hurricane Sandy (DR-4086-NJ) non- disaster grant program reviews; and

WHEREAS, given the scope and scale of the Rebuild by Design-Hudson River (RBD-HR) Project, it was determined that the existing Amended Agreement does not adequately address potential effects to historic properties associated with the Project. Therefore, following Stipulation II.C.7.c of the Amended Agreement, this Programmatic Agreement (PA) has been developed in accordance with 36 CFR § 800.14(b) to identify programmatic conditions or treatments to govern the resolution of potential or anticipated adverse effects from certain complex project situations for the RBD-HR Project (Undertaking); and

WHEREAS, RBD-HR consists of a comprehensive urban water strategy for the Hoboken, Jersey City and Weehawken area and includes hard infrastructure and soft landscape for coastal defense (Resist), policy recommendations, guidelines and urban infrastructure to slow storm water runoff (Delay), green and grey infrastructure improvements to allow for greater storage of excess rainwater (Store), and water pumps and alternative routes to support drainage (Discharge); and

WHEREAS, the \$230 million grant was for the implementation of the first phase of the RBD-HR Project which includes the environmental impact analysis of the overall comprehensive master plan for the entire project (the Resist and Delay, Store, Discharge (DSD) components) and funding for the construction of the Resist components. The DSD elements would be implemented separately by the City of Hoboken or other partners as funding becomes available; and

WHEREAS, the New Jersey Department of Community Affairs (NJDCA) has assumed the role of Responsible Entity on behalf of the U.S. Department of Housing and Urban Development (HUD) and is responsible for environmental review, decision-making and action that would apply to HUD pursuant to 24 CFR § 58, and NJDCA has assumed the role to administer the Sandy Community Development Block Grant-Disaster Recovery (CDBG-DR) funds pursuant to the Disaster Relief Appropriations Act of 2013 (Public Law 113-2, January 29, 2013); and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) is assisting NJDCA with compliance under the National Environmental Policy Act (NEPA, codified as 42 USC 4321 et seq.), and is coordinating NJDCA's compliance with Section 106 of the National Historic Preservation Act (54 USC § 306108 and herein "Section 106"); and

WHEREAS, NJDEP has been designated to assist NJDCA in execution of this Programmatic Agreement and therefore has been designated an Invited Signatory, and

WHEREAS, the NJDEP Rebuild By Design team, referred to herein as NJDEP, will be overseeing the compliance under Section 106 and the design and construction for the Project, and

WHEREAS, the New Jersey Historic Preservation Office (NJHPO) is the regulatory agency overseeing compliance with Section 106; and

WHEREAS, NJDCA has authorized NJDEP to initiate consultation under Section 106, and,

WHEREAS, pursuant to Section 106 regulations, NJDEP, in consultation with NJHPO, identified Archaeological and Historic Architectural Areas of Potential Effects (APE) for RBD-HR (Exhibit A), and determined that the APEs will be the areas where potential effects on Historic Properties caused by RBD-HR may occur; and

WHEREAS, the Draft Environmental Impact Statement (DEIS) was published on February 24, 2017 for public comment. The DEIS provides the environmental impact analysis of three Build Alternatives as well as a No Action Alternative for the Resist alignment. The DSD components are the same for each Build alternative and are also included in the overall impact analysis; and

WHEREAS, the DEIS includes a detailed project description at the project-level and describes environmental impacts, including indirect and cumulative environmental impacts. A range of reasonable alternatives (Build Alternatives 1, 2 and 3) was evaluated in the DEIS. Alternative 3 was selected as the Preferred Alternative in consideration of environmental, technical and other factors; and

WHEREAS, the Preferred Alternative (i.e., Alternative 3) consists of a Resist alignment that includes termination points located upland and includes the use of an alleyway between Garden Street and Washington Street in the City of Hoboken. The southern portion of the Resist alignment extends along and within the north side of the Hoboken Terminal rail yard before extending westward along the rail embankment; and

WHEREAS, NJDEP has demonstrated coordinated compliance with Section 106 and NEPA, pursuant to 36 CFR § 800.8, through the preparation of a Cultural Resources Technical Environmental Study submitted to NJHPO in September 2016 and developed cultural resource specific recommendations for inclusion within the Project's Final Environmental Impact Statement (FEIS) for RBD-HR so that Section 106 recommendations were considered during the analysis of alternatives as part of the NEPA EIS process as well as consultation with NJHPO for participation in the Section 106 process; and

WHEREAS, through the process conducted in preparing the FEIS, NJDEP has determined that RBD-HR may have an effect on historic properties under Section 106. Historic properties may include any prehistoric or historic district, site, building, structure, or any object listed in or eligible for listing in the National Register of Historic Places (NRHP), herein Historic Properties or Historic Properties Criteria; and

WHEREAS, as documented in the FEIS, NJDEP, in consultation with NJHPO pursuant to 36 CFR Part 800, identified 27 Historic Properties (Standing Structures) (see Exhibits B & C) to date in the RBD-HR APE, which are listed in or eligible for listing in the National Register of Historic Places; and

WHEREAS, as documented in the FEIS and in consultation with NJHPO, NJDEP identified areas with the potential to contain Archaeological Resources in the RBD-HR Archaeological APE, and identified

archaeologically sensitive areas in which construction might occur. These properties are described in Chapter 4 of the FEIS (see Exhibits D and E); and

WHEREAS, the proposed design of DSD will be confined entirely below ground and will therefore have no visual effect to above ground historic properties; and

WHEREAS, in accordance with 36 CFR § 800.6(a)(1), the NJDEP has invited the ACHP to participate in the Section 106 process to develop the RBD-HR PA; and on February 8, 2017 the ACHP accepted; and

WHEREAS, the NJDEP has invited the Cities of Hoboken, Weehawken and Jersey City to participate in the Section 106 process for RBD-HR, in which the City of Hoboken accepted; the City of Hoboken will serve as an Invited Signatory(following 36 CFR 800.6(c)(3)) to this PA; and

WHEREAS, NJDEP conducted a reasonable and good faith effort to invite the appropriate Native American tribes and groups (the “Tribes”) to participate in the Section 106 process on August 19, 2016 by way of identifying the Tribes and delivering letters of invitation to such Tribes that could attach religious or cultural significance to sites within the RBD-HR APE, and upon which RBD-HR could have an effect; and extended letters of invitation to the Tribes to participate in the development of the RBD-HR PA on January 5, 2017 (see Exhibit F); and

WHEREAS, the Delaware Nation does not wish to participate as a consulting party; and

WHEREAS, the Shawnee Tribe indicated on February 7, 2016 that they wish to participate in the development of the Project’s PA, and the NJDCA has invited the Shawnee Tribe to comment on the RBD-HR PA and the Shawnee Tribe will participate as an Invited Signatory (following 36 CFR 800.6(c)(2)) to this PA; and

WHEREAS, the Stockbridge-Munsee Mohican Tribe indicated on July 19, 2017 that they do not wish to participate as a consulting party to the PA but will review, as applicable, archaeological reports related to the implementation of this Project; and

WHEREAS, the City of Hoboken may construct DSD elements of this Project; and

WHEREAS, NJDCA, ACHP, NJHPO, the Shawnee Tribe, the City of Hoboken and the NJDEP are hereinafter defined as the PA Signatories; and

WHEREAS, the Federal Transit Administration (FTA) has been invited to participate in the development of this PA and on February 1, 2017 declined to participate in the RBD-HR PA; and

WHEREAS, this PA was developed with appropriate public participation during the NEPA public comment period pursuant to Subpart A of Section 106 Regulations, and copy of this PA was included in and distributed with the FEIS, published June 16, 2017. The public shall be duly notified as to the execution and effective dates of this PA through the issuance of the FEIS Record of Decision for RBD-HR; and

WHEREAS, it is possible that as the Project evolves or as a result of the addition of new Project elements beyond the boundaries of the current APEs, NJDEP, in consultation with NJHPO, may identify additional, previously unidentified Historic Properties or archaeologically sensitive areas, which may be affected by the Project; and

NOW, THEREFORE, NJDCA, ACHP, and NJHPO as signatories, the Shawnee Tribe, the City of Hoboken and the NJDEP as invited signatories, agree the RBD-HR PA shall be implemented in accordance with the following stipulations to ensure that potential effects on Historic Properties are taken into account.

STIPULATIONS

NJDCA, in coordination with NJDEP, will ensure that the following measures are carried out:

I. IDENTIFICATION AND EVALUATION OF HISTORIC PROPERTIES

- A. NJDEP will complete the identification of historic properties (36 CFR 800.4) and assessment of adverse effects (36 CFR 800.5), during the design stage of the Undertaking. Avoidance of adverse effects to identified historic properties is the preferred approach and will incorporate all practicable measures to avoid, minimize or mitigate adverse effects. If avoidance is not possible and an adverse effect will result, then NJDEP will resolve those adverse effects as set forth under 36 CFR 800.6., NJDEP will designate a Cultural Resource Monitor (CRM) with specific responsibilities to coordinate the requirements of this project-specific agreement as the liaison for NJDEP amongst the PA Signatories.
- B. The CRM will be a qualified professional who meets the Secretary of the Interior's Professional Qualifications Standards (36 CFR 61). NJDEP shall ensure that consultants retained for services pursuant to the PA meet these standards.
 1. A "qualified professional" is a person who meets the relevant standards outlined in the Archaeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines [As Amended and Annotated] (http://www.nps.gov/history/local-law/arch_stnds_9.htm).
 - a. Archaeology, 36 CFR 61.8, Appendix A(b)
 - b. Architectural history, 36 CFR 61.8, Appendix A(c)
 2. Any changes in the consultants will be reported to the NJHPO before the hiring process is completed.
- C. Oversight for implementation of this PA will be provided by NJDEP, to whom the CRM reports. The following will be the responsibility of the CRM:
 1. The CRM will act as the liaison and work cooperatively with NJDEP and its contractors throughout the design and construction phases of the Undertaking.
 2. The CRM will assist the design contractor regarding the design as it relates to those historic properties identified in Exhibits B, C, D and E. In addition, the availability of new data and access to previously inaccessible areas may result in information associated with undetermined historic properties. If known or undetermined historic properties may be affected, NJDEP will follow the steps outlined in Stipulation IV.A.
 3. The CRM will review design plans and specifications in addition to NJHPO when design reaches 30, 65 and 95% outlined in Stipulation I.F.
 4. The construction contractor will hold as-needed construction field review meetings with the CRM to review ongoing construction. If construction activities deviate from final design plans or if effects to historic properties are observed, the CRM will notify NJDEP of the situation and provide a report via electronic mail describing the location of the affected historic property and how construction has affected the historic property. NJDEP will notify the other PA Signatories immediately of the deviation or observed effect and consult with NJHPO.
 5. The CRM will participate in the resolution of any objections or disputes received during the review of identification and evaluation documents, plans, and implementation of other stipulations in the executed PA.
- D. Archaeological Resources Identification

1. Where possible, NJDEP shall avoid affecting areas of archaeological potential listed in Exhibits D & E.
2. NJDEP will initiate and complete archaeological field analysis and data recovery (depending on site access and testing feasibility) by conducting a Phase 1B and Phase II Archaeological Survey prior to RBD-HR construction activities.
3. All phases of the archaeological survey and reporting shall be in keeping with the *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation*.
4. Survey efforts shall follow *Requirements for Phase I Archaeological Survey* (N.J.A.C. 7:4-8.4).
5. Reports of archaeological survey results shall conform to the *Requirements for Archaeological Survey Reports – Standards for Report Sufficiency* (N.J.A.C. 7:4-8.5).
6. Evaluations to determine the National Register eligibility of historic properties must be in keeping with the National Park Service's 1999 National Register Bulletin, *How to Apply the National Register Criteria for Evaluation*, as well as the 2000 National Register Bulletin, *Guidelines for Evaluating and Registering Archeological Properties*.
7. In advance of construction, a Soil Boring Program shall be established in consultation with the PA Signatories for areas identified as archaeologically sensitive coincident with proposed construction in the Project's archaeological APE (Exhibit E).
 - a. The results of the soil boring program may be used to further refine the areas of archaeological potential.
8. Following consultation amongst the PA Signatories and receipt of comments for sites where archaeological potential has been confirmed to exist by the Soil Boring Program, NJDEP shall develop a Field Testing Plan (Phase IB Archaeological Testing).
 - a. The CRM will develop the Field Testing Plan outlining the proposed archaeological field testing methodology to complete any required subsurface survey to identify the presence or absence of archaeological sites within the identified areas of archaeological potential (Exhibits D & E).
 - b. The field testing plan will also include steps (Phase II Site Evaluation) to evaluate the NRHP eligibility of an archaeological site identified during Phase IB field testing.
 - c. The Field Testing Plan shall be submitted to PA Signatories for a review and comment period of 15 business days.
 - d. Upon receipt of comments on the Field Testing Plan, the CRM on behalf of NJDEP will implement the approved Field Testing Plan. For all field tested sites, NJDEP shall provide a summary report to the other PA Signatories to reach one of the following conclusions:
 - i) No archaeological sites were identified by the Field Testing Plan.
 - ii) The archaeological site does not meet NRHP-eligibility Criteria; in which case no further action is required.
 - iii) The site does meet the NRHP-eligibility Criteria, in which case the application of the criteria of adverse effects will follow in accordance with Stipulation II.A.
 - e. The CRM will provide a summary report of the Field Testing Plan's activities and results following Stipulation I.D.4.
 - f. The report will be submitted to the PA Signatories for a review and comment period of 15 business days.

9. Additional Areas outside the Archaeological APE

- a. Prior to construction, the CRM will have reviewed the design plans at 30, 65 and 95% completeness to determine if there are areas outside the archaeological APE that require assessment for archaeological potential
- b. If areas outside the assessed APE are determined to possess archaeological potential, then NJDEP will conduct subsurface investigations following Stipulation I.D.8 to make NRHP-eligibility determinations and assess effects for those project locations not currently identified in Exhibit E.

E. Historic Buildings and Districts

1. As presently conceived (i.e., on the effective date of this Agreement), the Project does not have the potential to directly impact the Erie-Lackawanna Terminal, Stevens Historic District, Holbrook Manufacturing Company, North (Hudson) River Tunnels, Pennsylvania Railroad New York to Philadelphia Historic District.
2. The Project will cause direct effects associated with proposed design to the Hoboken Historic District; the Old Main Delaware, Lackawanna and Western Railroad (DLWRR) Historic District; and, Grove Street Bridge.
3. The Project may cause indirect effects associated with vibration and construction noise or visual effects from the construction of the Resist barrier to the 501 Adams Street (Public School No. 3); Church of the Holy Innocents; Church of Our Lady of Grace; Engine Company #2 Firehouse; Engine Company No. 3, Truck No. 2 Firehouse; Ferguson Brothers Manufacturing Company; Hoboken Historic District; Hoboken Land and Improvement Company Building; Hoboken-North Hudson YMCA; Keuffel and Esser Manufacturing Complex; Machine Shop (Bethlehem Steel Corp. Shipyard); Old Main Delaware, Lackawanna and Western Railroad Historic District; Public School No. 7; Hudson and Manhattan Railroad Transit System (PATH); Grove Street Bridge; R. Neumann & Co. Complex; 509 Madison Street; Factory Terminal Loft Buildings (Standard Brands & Lipton Tea Plant); Hoboken High School; John Schmalz's Sons Model Bakery; and, R.B. Davis Company Manufacturing Complex.
4. The DSD components will not result in visual effects to historic buildings or districts. The implementation of the Historic Resource Construction Protection Plan (HRCPP) as described in Stipulation III.B.2.b will meet the conditional no adverse effect determination for vibratory impacts from DSD.
5. Additional Historic Building and District Identification
 - a. Future refinements to the project design may result in the need for evaluation of NRHP eligibility for previously undetermined historic properties (which may include, but are not limited to, those properties listed in Exhibit B). NJDEP, will consult with the other PA Signatories and evaluate the historic properties to determine if they meet NRHP criteria; NJHPO will review the eligibility determination recommendations. In the event of the identification of historic properties during construction of the Project, NJDEP will follow the steps outlined in Stipulation IV.
 - b. PA Signatories will have 15 business days for review and comment on the eligibility determination.
 - c. If the NJDEP and the NJHPO do not agree on whether the criteria are met, the eligibility of the property will be resolved in accordance with Stipulation VIII.B.8.
 - d. Any such property will be treated as eligible while it is under review by NJDEP and the

NJHPO, and potential effects to the property will be evaluated following 36 CFR 800.5

- F. Design Specifications will be submitted by the NJDEP to the NJHPO for review and comment. The NJHPO will be afforded a 15 business day review period for all design submittals following Stipulation VI.A.
 - 1. Design reaches 30 percent, the CRM will review all available plans and specifications and determine if the design might affect historic properties listed in Exhibits B, C, D and E.
 - 2. Design reaches 65 percent, the CRM will review all available plans and specifications and determine if the design might affect historic properties listed in Exhibits B, C, D and E.
 - 3. Design reaches 95 percent, the CRM will review all available plans and specifications and determine if the design might affect historic properties listed in Exhibits B, C, D and E.
- G. All design enhancements and/or aesthetic treatments that may affect historic properties will be subject to review and comment by the NJHPO.
- H. The availability of new data and access to previously inaccessible areas may result in information associated with undetermined historic properties. If historic properties with undetermined eligibility may be affected, NJDEP will follow the steps outlined in Stipulation I.E.4 while post-review discoveries will be treated following Stipulation IV.
- I. NJDEP will ensure that contractors involved with the implementation of all phases of the undertaking are aware of and comply with the requirements of the RBD-HR PA. NJDEP will provide the construction contractor with training on the identification of historic properties specific to the RBD-HR PA.

II. ASSESSMENT OF ADVERSE EFFECTS

- A. Archaeological Resources
 - 1. For archaeological sites identified by Stipulation I.D.8 and determined to meet NRHP eligibility criteria, the CRM will apply the criteria of adverse effects (36 CFR 800.5.a.1) to the identified archaeological site. The results of the application of the criteria of adverse effects will be summarized for review by the NJHPO.
 - 2. NJDEP will ensure that avoidance of adverse effects to any previously identified historic properties is the preferred alternative and will utilize all practicable measures to avoid, minimize or mitigate adverse effects.
 - 3. If avoidance of identified archaeological resources is not possible and an adverse effect will result, the NJDEP will follow Stipulation III.A.
 - 4. The CRM, on behalf of NJDEP, will inform the NJHPO of the assessment of adverse effect specific to the identified archaeological site. NJHPO will be afforded a 15 business day review of the findings to offer comments.
 - 5. If the Undertaking will have an adverse effect on the NRHP eligible archaeological site, the NJDEP, on behalf of NJDCA, and in consultation with the other PA Signatories, shall develop appropriate treatment plans for historic properties adversely affected by the Undertaking. Unless the PA Signatories object within 15 business days of receipt of any plan, NJDCA shall ensure that treatment plans are implemented by NJDEP or its representative(s). NJDEP, on behalf of NJDCA, shall revise Plans to address comment and recommendations provided by the signatories. If the NJDEP and the PA Signatories do not agree on the proposed treatment plans, the dispute will be resolved in accordance with Stipulation VIII.B.8.
- B. Above Ground Historic Buildings or Districts

1. Following the review of design specifications in Stipulation I.F, historic properties identified in Exhibit B & C or by Stipulation I.E.4 and determined to meet NRHP eligibility criteria will be evaluated for project adverse effects by applying the criteria of adverse effects (36 CFR 800.5.a.1) to the identified historic property. The results of the assessment of adverse effect specific to the above ground historic building or district will be summarized for review by the NJHPO.
2. NJDEP will ensure that avoidance of adverse effects to any previously identified historic properties is the preferred alternative and will utilize all practicable measures to avoid, minimize or mitigate adverse effects.
3. If avoidance of identified historic properties is not possible and an adverse effect will result, the NJDEP will follow Stipulation III.B.
4. The CRM on behalf of NJDEP will inform the NJHPO of the assessment of adverse effect for the identified above ground historic building or district. NJHPO will be afforded a 15 day review of the findings to offer comments.
5. In the event it is determined that the Undertaking will have an adverse effect on the historic property, the NJDEP, on behalf of NJDCA and in consultation with the other PA Signatories, shall develop appropriate treatment plans for historic properties adversely affected by the Undertaking. Unless the PA Signatories object within 15 business days of receipt of any plan, NJDCA shall ensure that treatment plans are implemented by NJDEP or its representative(s). NJDEP, on behalf of NJDCA, shall revise Plans to address comment and recommendations provided by the signatories. If the NJDEP and the PA Signatories do not agree on the proposed treatment plans, the dispute will be resolved in accordance with Stipulation VIII.B.8.

III. RESOLUTION OF ADVERSE EFFECT

A. Archaeological Resources

1. Following the assessment of adverse effect, if redesign of the Undertaking cannot avoid the NRHP eligible archaeological resource, NJDEP will develop an Archaeological Resource Management Plan (ARMP) in consultation with the PA Signatories.
2. The CRM, on behalf of NJDEP, will develop the ARMP specific to the identified NRHP-eligible archaeological resource.
3. The ARMP will include a section evaluating design modifications for minimizing effects to historic properties.
4. If the NRHP-eligible site cannot be avoided by redesign of project elements, then mitigation of adverse effects to NRHP-eligible archaeological sites is required. Mitigation may include a program of archaeological data recovery developed in consultation with the PA Signatories
5. Data recovery plans detail the systematic recovery, analysis, reporting, and curation of archaeological data from the archaeological resource to be impacted.
6. The data recovery plan shall be developed and implemented as consistent with the requirements of the NJHPO, the Secretary of the Interior's *Standards and Guidelines for Archaeology and Historic Preservation* (48 Fed. Reg. (190) (1983)), and the ACHP's *Treatment of Archaeological Properties: A Handbook* (1980).
7. The NJDEP will provide the ARMP for review and consultation with the other PA Signatories, who will have 15 business days for review and comment.
8. If, after consultation, NJDEP and the NJHPO cannot agree on appropriate terms for the mitigation plan, NJDEP will refer the matter to the ACHP pursuant to Stipulation VIII.B.

9. NJDEP shall implement the ARMP upon receipt of NJHPO comments or upon completion of dispute resolution as outlined in Stipulation VIII.B.
10. The CRM will provide a summary report of the ARMP activities and results in accordance with Stipulation I.D.4.
11. The ARMP report will be submitted to the PA Signatories for a review and comment period of 15 business days.

B. Historic Properties

1. NJDEP may propose in writing, resolution of adverse effect through the application of Treatment Measures outlined in Appendix C of the Amended Agreement. Such treatment measures are also described here in Exhibit G.
2. Minimization of adverse effects to historic properties may be achieved by the following:
 - a. Design Specifications: The NJDEP will develop design specifications to ensure that any permanent Project elements that may affect the visual context or historic setting of a Historic Property in the Project's historic architectural APE are compatible with the historic and architectural qualities of that property. Specifically, the Resist structure has the potential to introduce visual elements, which would adversely affect the context and/or setting of Historic Properties listed in Exhibit B.
 - i) The design specifications will be in keeping with the intent of *The Secretary of the Interior's Standards for the Treatment of Historic Properties* (36 CFR Part 68).
 - b. Historic Resource Construction Protection Plan (HRCPP): The CRM on behalf of NJDEP, will develop a HRCPP specific to each Built Historic Properties listed in Exhibit B, as well as any unidentified Built Historic Properties located within 90 feet of construction, in consultation with the PA Signatories.
 - i) The HRCPP, specific to each Historic Property, will be submitted to the NJHPO for a review and comment period of 15 business days.
 - ii) NJDEP will include this PA, as well as relevant HRCPPs within specific contract packages to inform contractors of their responsibilities relative to historic properties.
 - iii) Given that DSD construction activities will have no visual effect to historic resources, establishment and implementation of the HRCPP will mitigate potential adverse effects to historic properties resulting from vibration associated with Project construction activities.

IV. POST-REVIEW DISCOVERIES

- A. If previously unidentified historic properties are discovered or unanticipated effects on historic properties are found during the implementation of the undertaking, NJDEP shall cease all work in the vicinity of the discovered historic property or effect and take all reasonable measures to avoid or minimize harm to the property until it can be evaluated pursuant to Stipulations I and II of this Programmatic Agreement.
- B. NJDEP shall notify the PA Signatories of the discovery at the earliest possible time and consult to develop actions to take into account the effects of the Undertaking. NJDEP shall notify the PA Signatories of any time constraints, and all parties will mutually agree upon timeframes for this consultation.
- C. NJDEP shall provide the PA Signatories with written notification describing NJDEP's assessment of National Register eligibility of the property and proposed actions to resolve the adverse effects.

- D. The PA Signatories shall respond to NJDEP's written notification within the mutually agreed upon timeframe.
- E. NJDEP shall take into account their recommendations regarding National Register eligibility and proposed actions, and then carry out appropriate actions.
- F. The agency official shall provide the PA Signatories a report of the actions when they are completed.

V. UNANTICIPATED DISCOVERIES OF HUMAN REMAINS

- A. If human remains are identified during construction, then construction will cease in an area sufficient to ensure there will be no inadvertent impacts, and the CRM will notify the NJDEP of the discovery of human remains.
- B. NJDEP will notify the local law enforcement office and coroner/medical examiner if human remains are discovered, in accordance with applicable New Jersey State statute(s).
- C. NJDEP will take all reasonable measures to avoid or minimize harm to the human remains until NJDEP has consulted with the other PA Signatories. Upon notification by the CRM of a discovery, NJDEP will immediately notify the other PA Signatories of the discovery, and develop a Field Testing Plan following Stipulation I.D.8 to identify the discovery, take into account the effects of the Undertaking, resolve adverse effects if necessary, and ensure compliance with applicable Federal and State statutes.
- D. In cases where discovered human remains are determined to be American Indian, NJDEP shall consult with the Shawnee Tribe representatives and NJHPO. In addition, NJDEP shall follow the guidelines outlined in the ACHP's Policy Statement Regarding the Treatment of Burial Sites, Human Remains, and Funerary Objects (2007).
- E. NJDEP will coordinate with the other PA Signatories regarding any needed modification to the project's Final Design necessary to implement recommendations of the consultation and facilitate proceeding with the Undertaking.
- F. If the NJDEP identifies unforeseen effects to the identified human remains during construction of the Project, then NJDEP, in consultation with the PA Signatories, shall evaluate unforeseen effects to the historic property according to 36 CFR Section 800.5.
- G. If, after consideration and consultation regarding alternatives and minimization measures, the PA Signatories agree that the human remains will be adversely affected, then NJDEP will follow the steps outlined above in Stipulation III to develop a suitable treatment plan.
- H. If, after consultation, NJDEP and the NJHPO cannot agree on appropriate terms for the mitigation plan, NJDEP will refer the matter to the ACHP pursuant to Stipulation VIII.B. If the NJDEP and the NJHPO disagree regarding the effects to the property, the NJDEP will request the ACHP's opinion. The ACHP will advise the NJDEP of its opinion regarding the effects to human remains. NJDEP will take into account the ACHP's opinion before making a final determination. If an adverse effect is found by NJDEP, the CRM will include the identification of the human remains in the archaeological resource treatment plan.

VI. COORDINATION OF REVIEWS

- A. The PA Signatories will have a review period of 15 business days to comment on all documents, plans and specifications provided by the NJDEP under the terms of this PA. Alteration of the review time frame will require agreement among the PA Signatories. If multiple historic properties are involved, the review time may be extended, as appropriate and based on unanimous agreement among the signatories.

- B. The ACHP will be afforded a 15 business day review period upon receipt of documents, plans and specifications. If the ACHP does not provide a response within 15 business days, NJDEP will proceed with the proposed action submitted for ACHP review.
- C. The CRM will provide any comments and recommendations directly to the NJDEP. If the PA Signatories fail to provide comments within the designated review period, the NJDEP may assume that the PA Signatories concur with the proposed action submitted for PA Signatory review.

VII. REPORTING

- A. Annual Reports. In order to monitor completion of the stipulations contained in this PA, NJDEP, on behalf of NJDCA, will prepare and submit an annual report each year for distribution to the PA Signatories summarizing the actions taken to fulfill the stipulations of this PA. The PA Signatories may agree to change the frequency of the reports.
- B. Reporting Meetings. NJDEP will coordinate PA Signatory meetings to discuss activities carried out pursuant to this PA as needed.
- C. Schedule. The timeframe for the annual reports will commence from the execution date of this PA.

VIII. IMPLEMENTATION OF THE AGREEMENT

- A. Amendments
 - 1. Any Signatory or Invited Signatory may propose in writing to the other Signatories or Invited Signatories that the PA be amended, whereupon the PA Signatories will consult in order to consider such amendment. The amendment will be effective on the date a copy signed by the PA Signatories, who have signed this PA prior to the proposed amendment, is filed with the ACHP.
 - 2. If no resolution is reached, then NJDEP will forward all relevant documentation to the ACHP including NJDEP's recommendations for resolution. Within 15 business days, the ACHP will:
 - a. Concur in NJDEP's proposed resolution, or
 - b. Provide NJDEP with recommendations, which NJDEP will take into account in reaching a final decision.
 - 3. An amendment to this Agreement will be effective only when it has been signed by the PA Signatories.
- B. Dispute Resolution
 - 1. Should any of the PA Signatories object in writing within 15 business days to the terms of this Agreement, NJDEP will consult with the objecting party for not more than 15 business days to resolve the objection.
 - 2. If the objection is resolved within 15 business days, NJDEP shall proceed in accordance with the resolution.
 - 3. If NJDEP determines within 15 business days that the objection cannot be resolved, NJDEP will forward to ACHP all documentation relevant to the objection, including NJDEP's proposed resolution. Within 15 business days of receipt, ACHP will:
 - a. Concur in NJDEP's proposed resolution; or
 - b. Provide NJDEP with recommendations, which NJDEP will take into account in reaching a final decision regarding the objection; or
 - c. Notify NJDEP that the objection will be referred for comment in accordance with 36 CFR § 800.7(a)(4), and proceed to do so. NJDEP will take the resulting comment into account.

4. NJDEP will take into account any ACHP recommendations or comments, and any comments from the other PA Signatories, in reaching a final decision regarding the objection in accordance with 36 CFR § 800.7(c)(4). The PA Signatories will continue to implement all other terms of this Agreement that are not subject to objection.
5. Should ACHP not respond within 15 business days, NJDEP may assume ACHP has no comment and proceed with its proposed resolution to the objection.
6. NJDEP will provide the other PA Signatories with its final written decision regarding any objection brought forth pursuant to this Stipulation.
7. NJDEP may authorize any disputed action to proceed, after making its final decision.
8. Any dispute regarding National Register eligibility that is not resolved pursuant to this Stipulation will be resolved by NJDEP following these steps:
 - a. Continue consultation with the objecting party until the objection is resolved;
 - b. Treat the property as eligible for the National Register, or
 - c. Obtain a determination of eligibility from the Keeper of the National Register in accordance with 36 CFR§ 63.2(d)-(e) and 36 CFR§ 800.4(c)(2). The Keeper's determination of eligibility is binding.

C. Public Objections

1. At any time while this Agreement is in effect, should a member of the public object in writing to implementation of its terms, NJDEP will notify the other PA Signatories in writing and take the objection into consideration. NJDEP will consult with the objecting party and, if that party so requests, the other PA Signatories, for not more than 15 business days.
2. NJDEP will take into consideration all comments from public parties. Within 15 business days after closure of this consultation period, NJDEP will provide the other parties with its final decision in writing.

D. Severability and Termination

1. In the event a PA Signatory determines that the terms of this Agreement will not or cannot be carried out, that party shall immediately consult with the other PA Signatories and make a good faith effort to develop an amendment per Stipulation VIII.A. If within 15 business days an amendment cannot be reached (or such longer period as is agreed to by the PA Signatories who sign this PA), any Signatory or Invited Signatory who signed this PA may terminate the PA upon written notification to the other PA Signatories.
2. In the event this PA is terminated, and to the extent feasible prior to continuing to implement the undertaking, NJDEP must either:
 - a. execute a new agreement pursuant to 36 CFR §800.14(b)(3)
 - b. revert to and proceed at the appropriate point of the phased process for identification and evaluation directly under 36 CFR §§800.4, 800.5, and 800.6, or
 - c. if identification and evaluation are complete, request, take into account, and respond to the comments of the ACHP under 36 CFR §800.7.
3. This Agreement may be terminated by the implementation of a subsequent Agreement that explicitly terminates or supersedes this Agreement, or by NJDEP's implementation of Alternate Procedures, pursuant to 36 CFR § 800.14(a).

IX. EMERGENCY SITUATIONS

- A. Should an emergency situation occur which represents an imminent threat to public health, a natural disaster, or safety, or creates a hazardous condition, NJDEP shall immediately notify the other PA Signatories of the condition which has initiated the situation and the measures taken to respond to the emergency or hazardous condition. Should the NJHPO or the ACHP desire to provide technical assistance to the NJDEP, they shall submit comments within 7 calendar days from notification, if the nature of the emergency or hazardous condition allows for such coordination.

X. DURATION

- A. Unless otherwise extended and agreed upon by the PA Signatories, the RBD-HR PA will remain in effect until September 30, 2022, consistent with the Disaster Relief Act of 2013 and 31 U.S.C. § 1552(a). If needed, the PA Signatories may choose to terminate this Agreement per Stipulation VIII.D.

APPROVAL AND SIGNATURE PAGE FOR PROGRAMMATIC AGREEMENT

Among

The New Jersey Department of Community Affairs (NJDCa)
The Advisory Council on Historic Preservation (ACHP)

and

The New Jersey Historic Preservation Office (NJHPO)

Regarding

The Rebuild by Design-Hudson River (RBD-HR) Project in
Hudson County, New Jersey

Execution and Implementation of this Programmatic Agreement Evidences that NJDCa has
Satisfied its Section 106 Responsibilities for Individual Undertakings of RBD-HR.

THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS

By:



Date

8/11/17

Name Charles A. Richman

Title Commissioner, Department of Community Affairs, NJDCa, Sandy Recovery Division

APPROVAL AND SIGNATURE PAGE FOR PROGRAMMATIC AGREEMENT

Among

The New Jersey Department of Community Affairs (NJDCOA)
The Advisory Council on Historic Preservation (ACHP)

and


The New Jersey Historic Preservation Office (NJHPO)

Regarding

The Rebuild by Design-Hudson River (RBD-HR) Project in
Hudson County, New Jersey

Execution and Implementation of this Programmatic Agreement Evidences that ACHP has
Satisfied its Section 106 Responsibilities for Individual Undertakings of RBD-HR.

THE ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: 

Date 9/7/17

Name John Fowler

Title Executive Director

APPROVAL AND SIGNATURE PAGE FOR PROGRAMMATIC AGREEMENT

Among

**The New Jersey Department of Community Affairs (NJDCA)
The Advisory Council on Historic Preservation (ACHP)**

and

The New Jersey Historic Preservation Office (NJHPO)


Regarding

**The Rebuild by Design-Hudson River (RBD-HR) Project in
Hudson County, New Jersey**

**Execution and Implementation of this Programmatic Agreement Evidences that NJHPO has
Satisfied its Section 106 Responsibilities for Individual Undertakings of RBD-HR.**

THE NEW JERSEY HISTORIC PRESERVATION OFFICE

By:



Date



Name Katherine Marcopul

Title Administrator and Deputy State Historic Preservation Officer

INVITED SIGNATORY PAGE FOR PROGRAMMATIC AGREEMENT

Among

The New Jersey Department of Community Affairs (NJDCOA)
The Advisory Council on Historic Preservation (ACHP)

and

The New Jersey Historic Preservation Office (NJHPO)

Regarding

The Rebuild by Design-Hudson River (RBD-HR) Project in
Hudson County, New Jersey

Invited Signatory

THE SHAWNEE TRIBE

By: 

Name Ron Sparkman

Title Chief

Date 8/29/17

INVITED SIGNATORY PAGE FOR PROGRAMMATIC AGREEMENT

Among

The New Jersey Department of Community Affairs (NJDCA)
The Advisory Council on Historic Preservation (ACHP)

and

The New Jersey Historic Preservation Office (NJHPO)

Regarding

The Rebuild by Design-Hudson River (RBD-HR) Project in
Hudson County, New Jersey

Invited Signatory

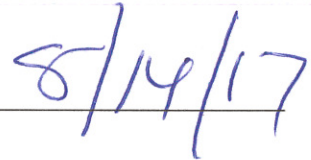
THE CITY OF HOBOKEN

By:  _____

Name Dawn Zimmer

Title Mayor, City of Hoboken

Date



INVITED SIGNATORY PAGE FOR PROGRAMMATIC AGREEMENT

Among

The New Jersey Department of Community Affairs (NJDCOA)
The Advisory Council on Historic Preservation (ACHP)

and

The New Jersey Historic Preservation Office (NJHPO)

Regarding

The Rebuild by Design-Hudson River (RBD-HR) Project in
Hudson County, New Jersey

Invited Signatory

THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
Rebuild by Design

By: _____



Date _____

8/7/17

Name David Rosenblatt

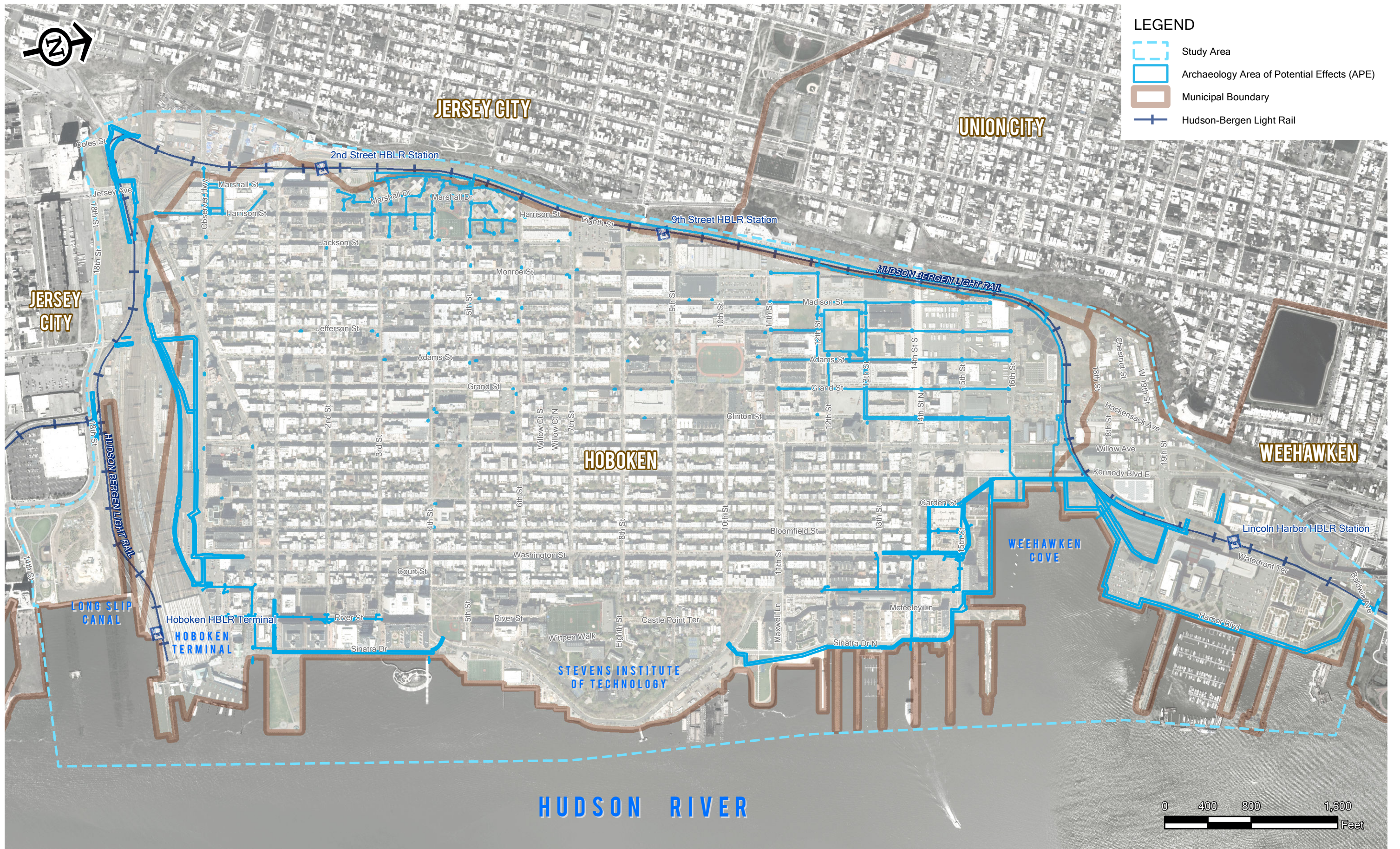


Title Assistant Commission, Department of Environmental Protection

List of Exhibits

- A RBD-HR APEs**
- B LOCATION OF KNOWN HISTORIC RESOURCES WITHIN THE RBD-HR APE**
- C KNOWN HISTORIC RESOURCES WITHIN THE RBD-HR APE AND POTENTIAL PROJECT EFFECTS**
- D LOCATION OF ARCHAEOLOGICALLY SENSITIVE AREAS WITHIN THE RBD-HR APE**
- E LISTING OF ARCHAEOLOGICALLY SENSITIVE AREAS WITHIN THE RBD-HR APE AND POTENTIAL PROJECT EFFECTS**
- F TRIBAL CONSULTATIONS**
- G POTENTIAL TREATMENT MEASURES FOR THE RESOLUTION OF ADVERSE EFFECT**

EXHIBIT A
RBD-HR APEs



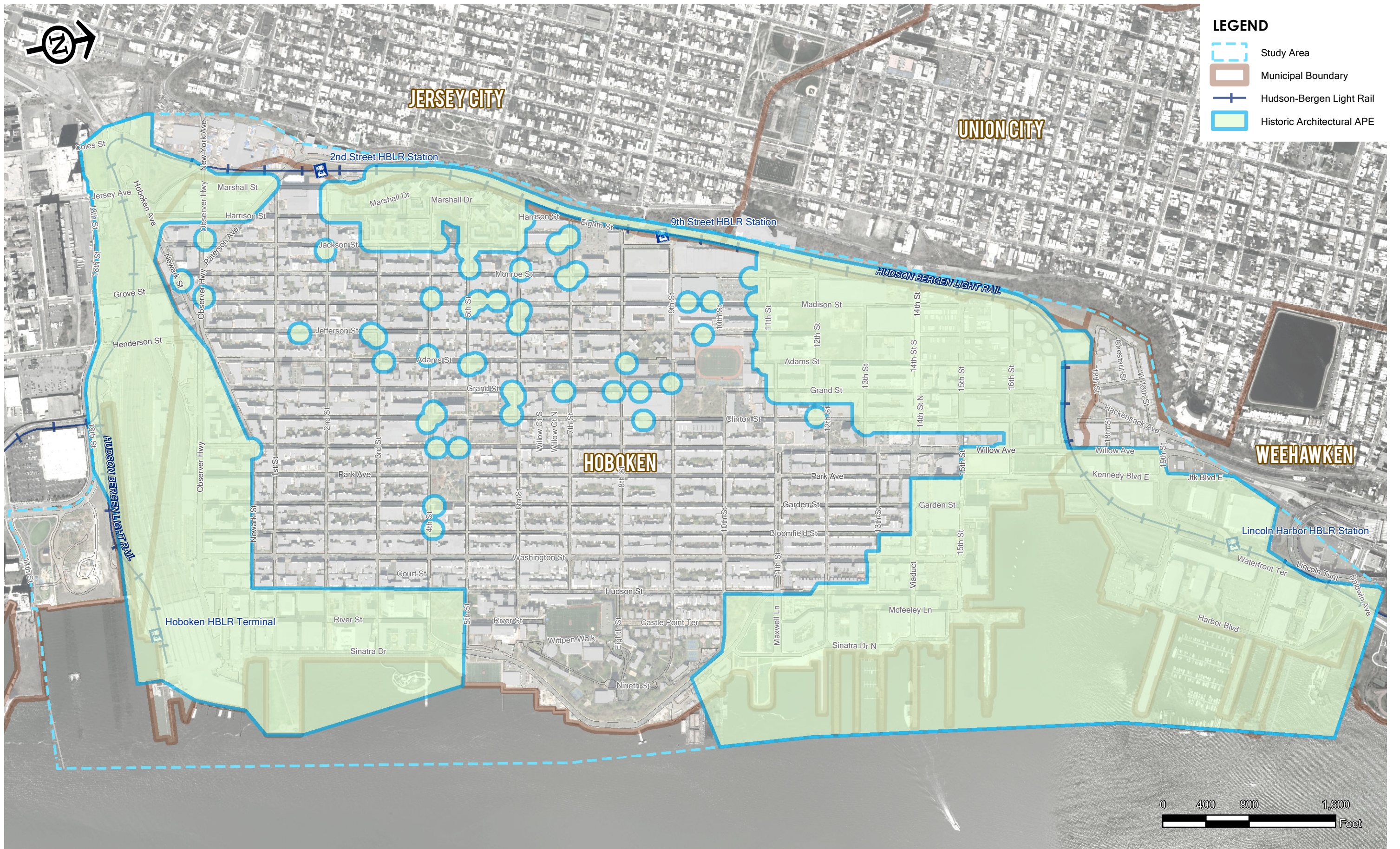


EXHIBIT B
LOCATION OF KNOWN HISTORIC RESOURCES WITHIN
THE RBD-HR APE

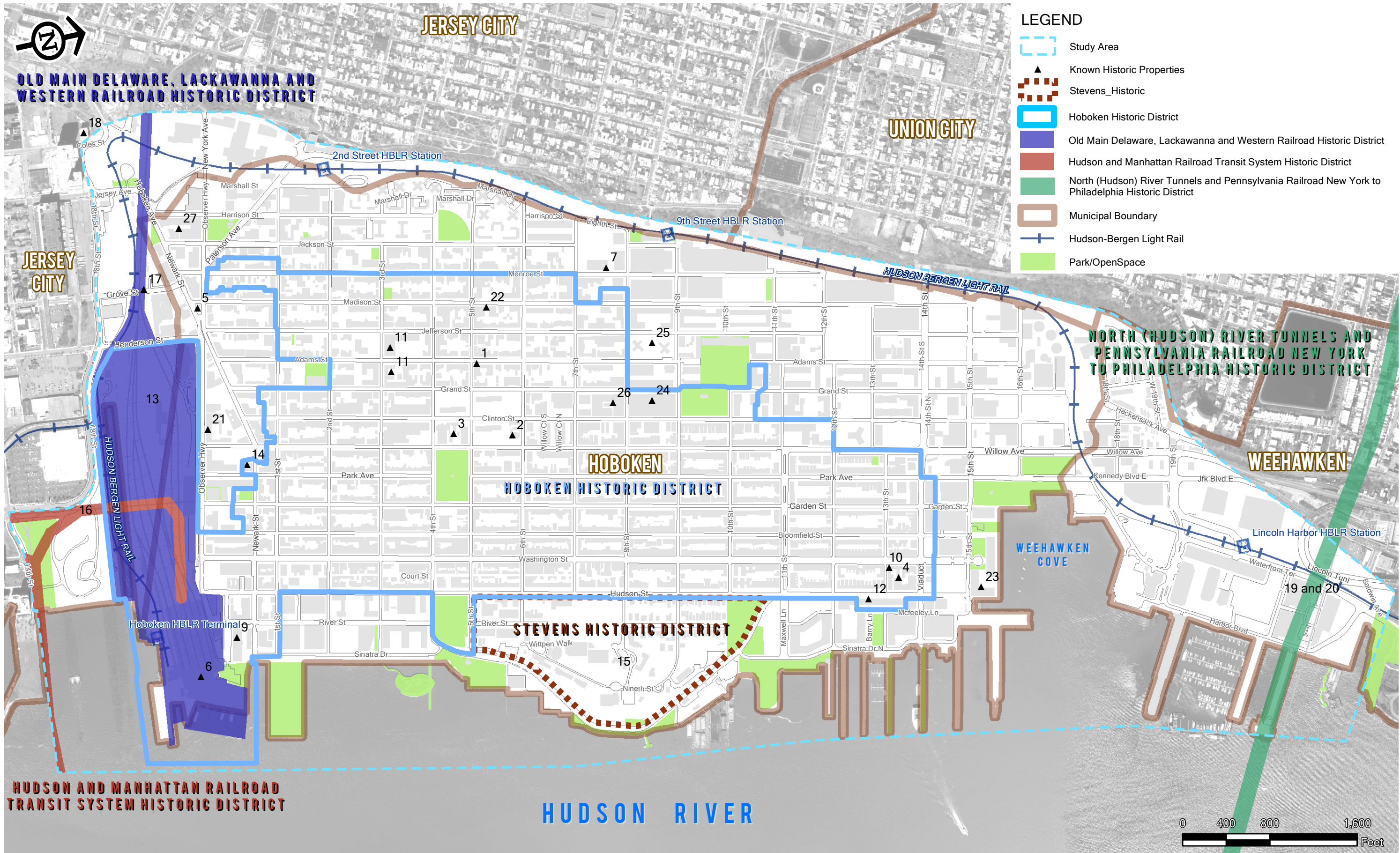


EXHIBIT C

KNOWN HISTORIC RESOURCES WITHIN THE RBD-HR APE AND POTENTIAL PROJECT EFFECTS

EXHIBIT C

KNOWN HISTORIC RESOURCES WITHIN THE RBD-HR APE AND POTENTIAL PROJECT EFFECTS

Map ID No.	RESOURCE	DETERMINATION	ADDRESS	MUNICIPALITY	POTENTIAL PROJECT EFFECTS	PROPOSED MITIGATION
1.	501 Adams Street (Public School No. 3)	SHPO Opinion 8/20/1999	501 Adams Street	Hoboken City	Potential effects from vibration-related impacts associated with installation of DSD tank structure (Conditional no adverse effect)	Develop and implement CRMPP
2.	Church of the Holy Innocents	SR 2/4/1977 NR 5/24/1977	6th Street, Willow Avenue, and Clinton Street	Hoboken City	Potential effects from vibration-related impacts associated with installation of DSD tank structure (Conditional no adverse effect)	Develop and implement CRMPP
3.	Church of Our Lady of Grace	COE 12/15/1994 SR4/10/1996 NR 5/31/1996	4th Street, Clinton Street, 5th Street, and Willow Avenue	Hoboken City	Potential effects from vibration-related impacts associated with installation of DSD tank structure (Conditional no adverse effect)	Develop and implement CRMPP
4.	Engine Company #2 Firehouse (Thematic Nomination of Hoboken Firehouses)	SR 2/9/1984 NR 3/30/1984	1313 Washington Street	Hoboken City	Potential effects from vibration-related impacts associated with installation of resist structure (Conditional no adverse effect)	Develop and implement CRMPP
5.	Engine Company #3, Truck #2 Firehouse (thematic Nomination of Hoboken Firehouses)	SR 2/9/1984 NR 3/30/1984	501 Observer Highway	Hoboken City	Potential effects from vibration-related impacts associated with installation of DSD tank structure in the vicinity of the Train Sheds and yard (Conditional no adverse effect)	Develop and implement CRMPP
6.	Erie-Lackawanna Terminal	SR 6/16/1973; 12/7/2004 NR 7/24/1973; 2/17/2005	Hudson Plaza	Hoboken City	No effect	
7.	Ferguson Brothers Manufacturing Company	SHPO Opinion 10/16/1998	730-732 Monroe Street	Hoboken City	Potential effects from vibration-related impacts associated with installation of DSD tank structure (Conditional no adverse effect)	Develop and implement CRMPP

EXHIBIT C

KNOWN HISTORIC RESOURCES WITHIN THE RBD-HR APE AND POTENTIAL PROJECT EFFECTS

Map ID No.	RESOURCE	DETERMINATION	ADDRESS	MUNICIPALITY	POTENTIAL PROJECT EFFECTS	PROPOSED MITIGATION
8.	Hoboken Historic District	SHPO Opinion 3/5/1982; 5/12/1983; Boundary increase 12/12/2016	Observer Highway, Henderson/Marin Boulevard, Hudson River, 14 th , Clinton, 8 th , Monroe, 1 st , and Bloomfield Streets	Hoboken City	Adverse Effect: Option 1 and 2: Resist Structure has the potential to change the character of the properties' use and/or physical features within the properties' setting; Option 1 and 2: Potential effects from vibration-related impacts associated with installation of resist structure to historic district. (Conditional no adverse effect) Potential effects from vibration-related impacts associated with installation of DSD tank structures in vicinity of contributing resources (Conditional no adverse effect)	Develop and implement CRMPP
9.	Hoboken Land and Improvement Company Building	SR 3/29/1979 NR 7/3/1979	1 Newark Street	Hoboken City	Potential effects from vibration-related impacts associated with installation of high level storm sewer system (Conditional no adverse effect)	Develop and implement CRMPP
10.	Hoboken-North Hudson YMCA	SHPO Opinion 4/20/2007	1301 Washington Street	Hoboken City	Potential effects from vibration-related impacts associated with installation of resist structure (Conditional no adverse effect) Potential effects from vibration-related impacts associated with installation of high level storm sewer system (Conditional no adverse effect)	Develop and implement CRMPP
11.	Keuffel and Esser Manufacturing Complex	SR 7/31/1985 NR 9/12/1985	3rd, Adam, and Grand Streets	Hoboken City	Potential effects from vibration-related impacts associated with installation of DSD tank structure (Conditional no adverse effect)	Develop and implement CRMPP
12.	Machine Shop (Bethlehem Steel Corp. Shipyard)	SHPO Opinion 5/2/1997	1201-1321 Hudson Street	Hoboken City	Potential effects from vibration-related impacts associated with installation of high level storm sewer system (Conditional no adverse effect)	Develop and implement CRMPP
13.	Old Main Delaware, Lackawanna and Western Railroad Historic District	SHPO Opinion 9/24/1996	Morris & Essex Railroad Right-of-Way to Delaware River	Hoboken City and Jersey City	Adverse effect: Options 1 & 2 of the Project will require installation of bridge abutments and/or wing walls in the vicinity of the Henderson Street and the Grove Street bridges these installations will impact the fill adjacent to resources contributing to the district resulting in a direct effect.	Develop and implement CRMPP

EXHIBIT C

KNOWN HISTORIC RESOURCES WITHIN THE RBD-HR APE AND POTENTIAL PROJECT EFFECTS

Map ID No.	RESOURCE	DETERMINATION	ADDRESS	MUNICIPALITY	POTENTIAL PROJECT EFFECTS	PROPOSED MITIGATION
14.	Public School Number 7	SHPO Opinion 9/24/1996	80 Park Avenue	Hoboken City	Potential effects from vibration-related impacts associated with installation of DSD tank structure (Conditional no adverse effect)	Develop and implement CRMPP
15.	Stevens Historic District	SHPO Opinion 2/28/1991	Castle Point	Hoboken City	No Effect	
16.	Hudson and Manhattan Railroad Transit System (PATH) Hoboken and Jersey City	SHPO Opinion 3/4/2002	Connects Exchange Place and Hoboken to New York City	Hoboken City and Jersey City	Potential effects from vibration-related impacts associated with installation of resist structure in the vicinity of the PATH tunnel (Conditional no adverse effect)	Develop and implement CRMPP
17.	Grove Street Bridge (NJ Transit Morristown Line milepost .66)	SHPO Opinion 1/20/1999	NJ Transit Morristown Line, M.P. 0.66 over Grove Street	Jersey City	Adverse effect: Option 1 of the Project will require installation of bridge abutments and/or wing walls which will impact the fill adjacent to the resource resulting in a direct effect.	Develop and implement CRMPP
18.	Holbrook Manufacturing Company	SHPO Opinion 2/28/1991	315 Coles Street	Jersey City	No effect	
19.	North (Hudson) River Tunnels	SHPO Opinion 11/12/1998	Amtrak Northeast Corridor under Hudson River	Weehawken Township	No effect	
20.	Pennsylvania Railroad New York to Philadelphia Historic District	SHPO Opinion 10/2/2002	Amtrak Northeast Corridor Line	Weehawken Township	No effect	
21.	R. Neumann & Co. Complex	SHPO Opinion 12/9/2016	300 Observer Highway	Hoboken City	Option 2: Potential effects from vibration-related impacts associated with installation of resist structure (Conditional no adverse effect) Potential effects from vibration-related impacts associated with installation of DSD tank structure (Conditional no adverse effect)	Develop and implement CRMPP
22.	509 Madison Street	SHPO Opinion 12/12/2016	509 Madison Street	Hoboken City	Potential effects from vibration-related impacts associated with installation of DSD tank structure (Conditional no adverse effect)	Develop and implement CRMPP

EXHIBIT C

KNOWN HISTORIC RESOURCES WITHIN THE RBD-HR APE AND POTENTIAL PROJECT EFFECTS

Map ID No.	RESOURCE	DETERMINATION	ADDRESS	MUNICIPALITY	POTENTIAL PROJECT EFFECTS	PROPOSED MITIGATION
23.	Factory Terminal Loft Buildings (Standard Brands & Lipton Tea Plant) (Terminal Distribution Warehouses of Hudson County, New Jersey, 1870-1945 MPS)	SHPO Opinion 12/12/2016	Hudson at 15th Street	Hoboken City	Potential effects from vibration-related impacts associated with installation of high level storm sewer system (Conditional no adverse effect)	Develop and implement CRMPP
24.	Hoboken High School	SHPO Opinion 12/12/2016	800 Clinton Street	Hoboken City	Potential effects from vibration-related impacts associated with installation of DSD tank structure (Conditional no adverse effect)	Develop and implement CRMPP
25.	Christopher Columbus Gardens	SHPO Opinion 12/12/2016	460 8 th Street 455 9 th Street	Hoboken City	Potential effects from vibration-related impacts associated with installation of DSD tank structure (Conditional no adverse effect)	Develop and implement CRMPP
26.	John Schmalz's Sons Model Bakery	SHPO Opinion 12/12/2016	351 8 th Street between Clinton and Grand Sts.	Hoboken City	Potential effects from vibration-related impacts associated with installation of DSD tank structure (Conditional no adverse effect)	Develop and implement CRMPP
27.	R.B. Davis Company Manufacturing Complex	SHPO Opinion†	38-56 Jackson Street	Hoboken City	Potential temporary effects from vibration associated with installation of DSD tank structure and installation of sewers associated with Block 10	Develop and implement CRMPP

EXHIBIT D
LOCATION OF ARCHAEOLOGICALLY SENSITIVE AREAS WITHIN
THE RBD-HR APE

EXHIBIT E

LISTING OF ARCHAEOLOGICALLY SENSITIVE AREAS WITHIN THE RBD-HR APE AND POTENTIAL PROJECT EFFECTS

EXHIBIT E - AREAS OF ARCHAEOLOGICAL SENSITIVITY

MAP ID.	SEGMENT/ LOCATION	ARCHAEOLOGICAL SENSITIVITY	DEPTH OF POTENTIAL RESOURCE/ SENSITIVITY (fbs ¹)	EXTENT OF PROPOSED DISTURBANCE (fbs/acres)	NATURE OF DISTURBANCE / ARCHAEOLOGICAL RECOMMENDATION
A-1	Resist Structure: Southwestern	<ol style="list-style-type: none"> Mid to late 19th to early 20th Century DLWRR Railroad and Industrial Deposits Early 20th Century Freight House and structure associated with Standard Oil Company 	0-14 fbs	~25fbs/1.153	Installation of sheet piles. 1 & 2: Phased program of archaeological investigation following PA Stipulations I-III.
A-2	Resist Structure: Southern	<ol style="list-style-type: none"> Prehistoric deposits (15-35 fbs) Option 1: mid to late 19th to early 20th Century DLWRR & Erie-Lackawanna Terminal Deposits; Deposits associated with Long Slip Canal and railroad-related landfill (0-14 fbs) Western portion of Option 2—late 19th century brick sewer deposits (3-5 fbs) Portions of Options 1 & 2 sensitive for deposits associated with National Register eligible PATH Tunnel (>60 fbs) 	<ol style="list-style-type: none"> 15-35 fbs 0-14fbs 3-5fbs >60fbs 	20-60fbs (deeper around PATH tunnel) Option 1: 1.875 Option 2: 1.991	Installation of sheet piles. 1-4: Phased program of archaeological investigation following PA Stipulations I-III.
A-3	Resist Structure: Northern	<ol style="list-style-type: none"> Early 19th century seawall Mid to late 19th century structures Late 19th to early 20th century waterfront development and industrial development Late 19th to early 20th century sewer line around 14th Street Weehawken Cove sensitive for prehistoric deposits Weehawken Cove potential for 17th to early 20th century shipwrecks 	<ol style="list-style-type: none"> 15-17fbs 15-17fbs >10fbs 5-8.5fbs >9fbs >15fbs 	~25fbs/1.667	Installation of sheet piles. 1-6: Phased program of archaeological investigation following PA Stipulations I-III.
A-4	Resist Structure: Weehawken	<ol style="list-style-type: none"> Majority of segment sensitive for prehistoric remains Mid-19th to early 20th century waterfront development associated with Erie Freight Terminal Portion of segment sensitive for potential mid to late 19th century historic structures associated with Hoboken Land & Improvement Company Possible 19th Street outlet sewer 	<ol style="list-style-type: none"> >12fbs >2fbs >2fbs 4-8fbs 	~25fbs/0.94	Installation of sheet piles. 1-4: Phased program of archaeological investigation following PA Stipulations I-III.

¹ fbs = feet below surface

EXHIBIT E - AREAS OF ARCHAEOLOGICAL SENSITIVITY

MAP ID.	SEGMENT/ LOCATION	ARCHAEOLOGICAL SENSITIVITY	DEPTH OF POTENTIAL RESOURCE/ SENSITIVITY (fbs ¹)	EXTENT OF PROPOSED DISTURBANCE (fbs/acres)	NATURE OF DISTURBANCE / ARCHAEOLOGICAL RECOMMENDATION
A-5a-b	HLSS--South	<ol style="list-style-type: none"> 1. Mid to late 19th century slip/basin along River Street between 1st and 3rd Streets (A5-b) 2. possible late 19th to early 20th century brick sewer along Newark Street in vicinity of 3rd Street and River Street (A-5a) 	<ol style="list-style-type: none"> 1. 8-18fbs 2. ~5fbs 	<12fbs/0.961	Installation of sewer pipe, sewer-related infrastructure, and associated sheeting. 1 & 2: Phased program of archaeological investigation following PA Stipulations I-III.
A-6a-b	HLSS--North	<ol style="list-style-type: none"> 1. Early to mid-20th century waterfront development and industrial development, including Vanderbilt & Schill Lumber Yard and the Jagels & Bellis Coal Company, along northern portion of Washington and Bloomfield streets, north of 14th Street, and the 14th Street DLWRR Ferry House and pier (A-6a) 2. Late 19th to early 20th century sewer line around 14th Street (A-6b) 	<ol style="list-style-type: none"> 1. <10fbs 2. 5-8.5fbs 	<12fbs/1.56	Installation of sewer pipe, sewer-related infrastructure, and associated sheeting. 1 & 2: Phased program of archaeological investigation following PA Stipulations I-III.
A-7a-b	Sheeting	<ol style="list-style-type: none"> 1. Prehistoric deposits within portions of the eastern sheeting (A-7a) 2. Western sheeting: early to mid-20th century structures associated with meat packing industry, early 20th century Grain and Straw building, early to mid-20th century ice platform and ice house, railroad-related landfill (A-7b) 3. Eastern sheeting: early to late 20th century DLWRR signal tower 	<ol style="list-style-type: none"> 1. 15-35fbs 2. 0-15fbs 3. 0-15fbs 	>20fbs/0.101	Installation of sheeting. 1-3: Phased program of archaeological investigation following PA Stipulations I-III.
A-8	DSD T7-OBS	Mid to Late 19 th Century Brick Sewer Line within Observer Highway	3-7.5fbs	7.17fbs/0.002	Excavation and installation of tank for stormwater management. Phased program of archaeological investigation following PA Stipulations I-III.
A-9	DSD T5-OBS	Mid to Late 19 th Century Brick Sewer Line within Observer Highway	2.5-8fbs	8.17fbs/0.002	Excavation and installation of tank for stormwater management. Phased program of archaeological investigation following PA Stipulations I-III.
A-10	DSD T3-OBS	Mid to Late 19 th Century Brick Sewer Line within Observer Highway	3.5-9fbs	7.17fbs/0.002	Excavation and installation of tank for stormwater management. Phased program of archaeological investigation following PA Stipulations I-III.

EXHIBIT E - AREAS OF ARCHAEOLOGICAL SENSITIVITY

MAP ID.	SEGMENT/ LOCATION	ARCHAEOLOGICAL SENSITIVITY	DEPTH OF POTENTIAL RESOURCE/ SENSITIVITY (fbs ¹)	EXTENT OF PROPOSED DISTURBANCE (fbs/acres)	NATURE OF DISTURBANCE / ARCHAEOLOGICAL RECOMMENDATION
A-11	DSD TD4-OBS	Mid to Late 19 th Century Brick Sewer Line within Observer Highway	7-12fbs	9.67fbs/0.002	Excavation and installation of tank for stormwater management. Phased program of archaeological investigation following PA Stipulations I-III.
A-12	DSD TD8-GAR	Mid to late 19 th Century Circular Brick Sewer Line within Observer Highway	4-7fbs	7.67 Feet/0.001	Excavation and installation of tank for stormwater management. Phased program of archaeological investigation following PA Stipulations I-III.
A-13	DSD T1-NEW	Mid-late 19 th Century Wood Sewer Line within Newark Avenue and Egg-Shaped Brick Sewer within Willow Avenue	2.5-8.5fbs	8.67 Feet/0.002	Excavation and installation of tank for stormwater management. Phased program of archaeological investigation following PA Stipulations I-III.
A-14	DSD T3-3ST	Mid to late 19 th to early 20 th Century Wooden Sewer Line within 3 rd Street	5.5-11fbs	9.17 Feet/0.002	Excavation and installation of tank for stormwater management. Phased program of archaeological investigation following PA Stipulations I-III.
A-15	DSD T9-ADM	Late 19 th to early 20 th Century Brick Sewer Line within Adams Street	3.7-5fbs	9.67 Feet/0.002	Excavation and installation of tank for stormwater management. Phased program of archaeological investigation following PA Stipulations I-III.
A-16	DSD T5-JAC	Late 19 th to early 20 th Century Brick Sewer Line within Jackson Street	8-17fbs	10.17 Feet/0.002	Excavation and installation of tank for stormwater management. Phased program of archaeological investigation following PA Stipulations I-III.
A-17	DSD T4-4ST	Late 19 th to early 20 th Century Brick Sewer Line within Madison Street	3.5-9fbs	11.17 Feet/0.002	Excavation and installation of tank for stormwater management. Phased program of archaeological investigation following PA Stipulations I-III.
A-18	DSD T3-4ST	Late 19 th to early 20 th Century Brick Sewer Line within Adams Street	3-7fbs	7.17 Feet/0.002	Excavation and installation of tank for stormwater management. Phased program of archaeological investigation following PA Stipulations I-III.

EXHIBIT E - AREAS OF ARCHAEOLOGICAL SENSITIVITY

MAP ID.	SEGMENT/ LOCATION	ARCHAEOLOGICAL SENSITIVITY	DEPTH OF POTENTIAL RESOURCE/ SENSITIVITY (fbs ¹)	EXTENT OF PROPOSED DISTURBANCE (fbs/acres)	NATURE OF DISTURBANCE / ARCHAEOLOGICAL RECOMMENDATION
A-19	DSD TD14-CLA	Mid to late 19 th Century Wood Sewer Line within Clinton Street	5-8.5fbs	7.67 Feet/0.002	Excavation and installation of tank for stormwater management. Phased program of archaeological investigation following PA Stipulations I-III.
A-20	DSD TD1-WIL	Mid to late 19 th Century Brick Sewer Line within Willow Avenue	2.5-8.5fbs	7.17 Feet/0.002	Excavation and installation of tank for stormwater management. Phased program of archaeological investigation following PA Stipulations I-III.
A-21	DSD TD6-WIL	Mid to late 19 th Century Brick Sewer Line within Willow Avenue	2.5-8.5fbs	7.17 Feet/0.002	Excavation and installation of tank for stormwater management. Phased program of archaeological investigation following PA Stipulations I-III.
A-22	DSD T1-GAR	Mid to late 19 th Century Brick Sewer Line within Garden Street	5-9.5fbs	9.67 Feet/0.002	Excavation and installation of tank for stormwater management. Phased program of archaeological investigation following PA Stipulations I-III.
A-23	DSD T2-BLM	Mid to late 19 th Century Brick Sewer Line within Bloomfield Street	4-6fbs	9.17 Feet/0.002	Excavation and installation of tank for stormwater management. Phased program of archaeological investigation following PA Stipulations I-III.
A-24	DSD T16-MAD	Late 19 th to early 20 th Century Brick Sewer Line within Madison Street	3.5-9fbs	8.67 Feet/0.001	Excavation and installation of tank for stormwater management. Phased program of archaeological investigation following PA Stipulations I-III.
A-25	DSD T15-MAD	Late 19 th to early 20 th Century Sewer Line within Madison Street	3.5-9fbs	9.67 Feet/0.002	Excavation and installation of tank for stormwater management. Phased program of archaeological investigation following PA Stipulations I-III.
A-26	DSD T8-ADM	Late 19 th to early 20 th Century Sewer Line within Adams Street	3-7fbs	7.67 Feet/0.002	Excavation and installation of tank for stormwater management. Phased program of archaeological investigation following PA Stipulations I-III.

EXHIBIT E - AREAS OF ARCHAEOLOGICAL SENSITIVITY

MAP ID.	SEGMENT/ LOCATION	ARCHAEOLOGICAL SENSITIVITY	DEPTH OF POTENTIAL RESOURCE/ SENSITIVITY (fbs ¹)	EXTENT OF PROPOSED DISTURBANCE (fbs/acres)	NATURE OF DISTURBANCE / ARCHAEOLOGICAL RECOMMENDATION
A-27	DSD T6-GND	Late 19 th to early 20 th Century wooden sewer line within Grand Street	3-7.5fbs	7.67 Feet/0.002	Excavation and installation of tank for stormwater management. Phased program of archaeological investigation following PA Stipulations I-III.
A-28	DSD TD23-CLA	Late 19 th to early 20 th Century Brick Sewer Line within Clinton Street	5-8.5fbs	7.17 Feet/0.002	Excavation and installation of tank for stormwater management. Phased program of archaeological investigation following PA Stipulations I-III.
A-29	DSD T7-MON	Late 19 th to early 20 th Century Brick Sewer Line within Monroe Street	5-11fbs	9.67 Feet/0.002	Excavation and installation of tank for stormwater management. Phased program of archaeological investigation following PA Stipulations I-III.
A-30	DSD T5-GND	Late 19 th to early 20 th Century Brick Sewer Line within Grand Street	3.3-6.5fbs	9.17 Feet/0.002	Excavation and installation of tank for stormwater management. Phased program of archaeological investigation following PA Stipulations I-III.
A-31	DSD T6-ADM	Early 20 th Century Brick Sewer Line within Adams Street	2.5-6fbs	6.67 Feet/0.001	Excavation and installation of tank for stormwater management. Phased program of archaeological investigation following PA Stipulations I-III.
A-32	DSD TD31-CLA	Late 19 th to early 20 th Century Brick Sewer Line within Clinton Street	4-8fbs	8.17 Feet/0.001	Excavation and installation of tank for stormwater management. Phased program of archaeological investigation following PA Stipulations I-III.
A-33	Block 10	Mid-19 th Century Paterson Plank Road	>4fbs	4 Feet/0.29	Installation of underground stormwater detention system and associated piping. Phased program of archaeological investigation following PA Stipulations I-III.

EXHIBIT E - AREAS OF ARCHAEOLOGICAL SENSITIVITY

MAP ID.	SEGMENT/ LOCATION	ARCHAEOLOGICAL SENSITIVITY	DEPTH OF POTENTIAL RESOURCE/ SENSITIVITY (fbs ¹)	EXTENT OF PROPOSED DISTURBANCE (fbs/acres)	NATURE OF DISTURBANCE / ARCHAEOLOGICAL RECOMMENDATION
A-34	DSD BASF Site (Pipe)	Early to Mid-20 th Century Dry Docks Development along Weehawken Cove	<15fbs	6 Feet/0.30	Installation of piping associated with underground stormwater detention system and its outfall. Phased program of archaeological investigation following PA Stipulations I-III.

EXHIBIT F
TRIBAL CONSULTATIONS

EXHIBIT F

TRIBAL CONSULTATION

As part of the RBD-HR Project, NJDEP has initiated contact with federally and state-recognized Native American tribes and groups, including as part of the consulting parties and interested parties outreach and coordination. The following tribes and groups have been part of the consultation process for this Project.

I. FEDERALLY RECOGNIZED NATIVE AMERICAN TRIBES CONTACTED FOR RBD-HR

- Absentee-Shawnee Tribe of Oklahoma
- Delaware Nation of Oklahoma
- Delaware Tribe of Oklahoma
- Eastern Shawnee Tribe of Oklahoma
- Shawnee Tribe of Oklahoma
- Stockbridge-Munsee Community of Mohican Indians of Wisconsin



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
SANDY RECOVERY DIVISION
101 SOUTH BROAD STREET
PO Box 823
TRENTON, NJ 08625-0823

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHARLES A. RICHMAN
Commissioner

August 19, 2016

Absentee Shawnee Tribe of Oklahoma
Governor Edwina Butler-Wolfe
2025 South Gordon Cooper Drive
Shawnee, Oklahoma 74801

**Rebuild by Design Hudson River
Invitation to Consult as a Consulting Party under Section 106 of the
National Historic Preservation Act**

Dear Governor Butler-Wolfe,

In an effort to address flood and resiliency vulnerabilities exposed as a result of Superstorm Sandy in 2012, the United States Department of Housing and Urban Development (HUD) launched the Rebuild by Design (RBD) competition inviting communities and designers to craft resiliency and flood damage reduction solutions. The State of New Jersey was subsequently awarded \$230 million to pursue the "Hudson River Project: Resist, Delay, Store, Discharge" (the Project) which seeks to reduce flooding and enhance resiliency in the municipality of Hoboken, and parts of Weehawken and Jersey City.

Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archaeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association. NJDCA, HUD's Responsible Entity, is initiating consultation under Section 106 of the National Historic Preservation Act with the Shawnee Tribe of Oklahoma for the proposed undertaking in accordance with 36 CFR Part 800 and the *Programmatic Agreement among the Federal Emergency Management Agency, the New Jersey State Historic Preservation Officer, the New Jersey State Office of Emergency Management, the Advisory Council on Historic Preservation, the Absentee Shawnee Tribe of Indians of Oklahoma, the Delaware Nation, the Delaware Tribe of Indians, the Shawnee Tribe of Oklahoma, and the Stockbridge Munsee Band of Mohicans as a result of Hurricane Sandy* (the PA).

The NJDCA has designated NJDEP as the lead agency for this project who are assisting with the environmental review. NJDEP will prepare the Environmental Impact Statement (EIS) in accordance with HUD's procedures for NEPA found at 24 CFR Part 58, et al.



NJDEP has initiated the Section 106 process with the New Jersey Historic Preservation Office (NJHPO) and established the project's Areas of Potential Effects (APEs) for both archaeological and historic architectural resources. On June 2, 2016, the NJHPO accepted the project initiation documentation as well as the list of consulting and interested parties.

We respectfully request your participation as a consulted party regarding the Proposed Project and seek your input on any cultural resources that you may be aware of or have concerns about for which you have jurisdiction and that fall within the project boundaries. To meet project timeframes, if you would like to be a consulting party on this project, please let us know of your interest within 30 days. If you have comments on the APE or any initial concerns with impacts of the project on religious or cultural properties, please note them in your response. An NJDCA-authorized representative may be following up with Joseph Blanchard, your THPO, in approximately 10 days to make sure you received this letter and to discuss whether you plan to consult further on this project.

See http://www.comcon.org/sites/default/files/historic_preservation/ for more information on the Section 106 review process. HUD's process for tribal consultation under Section 106 is described in a Notice available at <https://www.onecpd.info/resource/2448/notice-cpd-12-006-tribal-consultation-under-24-cfr-part-58/>.

If you have any questions, comments, or concerns about the Proposed Project as it relates to cultural resources, please contact Clay Sherman, Project Manager, Office of Flood Hazard Risk Reduction Measures at the address above or at clay.sherman@dep.nj.gov.

Thank you for your consideration and cooperation.

Sincerely,



Charles A. Richman
Commissioner

Enclosures: Project Location
Alternative maps

cc: Joseph Blanchard, THPO
Kate Marcopul, SHPO
Nicholas Smith-Herman, NJDCA
Kim McEvoy, NJDEP
Frank Schwarz, NJDEP
Dennis Reinknecht, NJDEP
Clay Sherman, NJDEP



State of New Jersey

DEPARTMENT OF COMMUNITY AFFAIRS

SANDY RECOVERY DIVISION

101 SOUTH BROAD STREET

PO Box 823

TRENTON, NJ 08625-0823

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHARLES A. RICHMAN
Commissioner

August 19, 2016

Delaware Nation, Oklahoma
Kerry Holton, President
P.O. Box 825
Anadarko, Oklahoma 73005

Rebuild by Design Hudson River Invitation to Consult as a Consulting Party under Section 106 of the National Historic Preservation Act

Dear President Holton,

In an effort to address flood and resiliency vulnerabilities exposed as a result of Superstorm Sandy in 2012, the United States Department of Housing and Urban Development (HUD) launched the Rebuild by Design (RBD) competition inviting communities and designers to craft resiliency and flood damage reduction solutions. The State of New Jersey was subsequently awarded \$230 million to pursue the "Hudson River Project: Resist, Delay, Store, Discharge" (the Project) which seeks to reduce flooding and enhance resiliency in the municipality of Hoboken, and parts of Weehawken and Jersey City.

Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archaeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association. NJDCA, HUD's Responsible Entity, is initiating consultation under Section 106 of the National Historic Preservation Act with the Shawnee Tribe of Oklahoma for the proposed undertaking in accordance with 36 CFR Part 800 and the *Programmatic Agreement among the Federal Emergency Management Agency, the New Jersey State Historic Preservation Officer, the New Jersey State Office of Emergency Management, the Advisory Council on Historic Preservation, the Absentee Shawnee Tribe of Indians of Oklahoma, the Delaware Nation, the Delaware Tribe of Indians, the Shawnee Tribe of Oklahoma, and the Stockbridge Munsee Band of Mohicans as a result of Hurricane Sandy* (the PA).

The NJDCA has designated NJDEP as the lead agency for this project who are assisting with the environmental review. NJDEP will prepare the Environmental Impact Statement (EIS) in accordance with HUD's procedures for NEPA found at 24 CFR Part 58, et al.



NJDEP has initiated the Section 106 process with the New Jersey Historic Preservation Office (NJHPO) and established the project's Areas of Potential Effects (APEs) for both archaeological and historic architectural resources. On June 2, 2016, the NJHPO accepted the project initiation documentation as well as the list of consulting and interested parties.

We respectfully request your participation as a consulted party regarding the Proposed Project and seek your input on any cultural resources that you may be aware of or have concerns about for which you have jurisdiction and that fall within the project boundaries. To meet project timeframes, if you would like to be a consulting party on this project, please let us know of your interest within 30 days. If you have comments on the APE or any initial concerns with impacts of the project on religious or cultural properties, please note them in your response. An NJDCA-authorized representative may follow up with Jason Ross in approximately 10 days to make sure you received this letter and to discuss whether you plan to consult further on this project.

See http://www.comcon.org/sites/default/files/historic_preservation/ for more information on the Section 106 review process. HUD's process for tribal consultation under Section 106 is described in a Notice available at <https://www.onecpd.info/resource/2448/notice-cpd-12-006-tribal-consultation-under-24-cfr-part-58/>.

If you have any questions, comments, or concerns about the Proposed Project as it relates to cultural resources, please contact Clay Sherman, Project Manager, Office of Flood Hazard Risk Reduction Measures at the address above or at clay.sherman@dep.nj.gov.

Thank you for your consideration and cooperation.

Sincerely,



Charles A. Richman
Commissioner

Enclosures: Project Location
Alternative maps

cc:	Jason	Ross,	Delaware	Nation
	Kate Marcopul, SHPO			
	Nicholas Smith-Herman, NJDCA			
	Kim McEvoy, NJDEP			
	Frank Schwarz, NJDEP			
	Dennis Reinknecht, NJDEP			
	Clay Sherman, NJDEP			



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

SANDY RECOVERY DIVISION
101 SOUTH BROAD STREET
PO Box 823
TRENTON, NJ 08625-0823

CHARLES A. RICHMAN
Commissioner

August 19, 2016

Delaware Tribe of Indians
Chief Chester Brooks
Delaware Tribal Headquarters
5100 Tuxedo Boulevard
Bartlesville, Oklahoma 74006

**Rebuild by Design Hudson River
Invitation to Consult as a Consulting Party under Section 106 of the
National Historic Preservation Act**

Dear Chief Brooks,

In an effort to address flood and resiliency vulnerabilities exposed as a result of Superstorm Sandy in 2012, the United States Department of Housing and Urban Development (HUD) launched the Rebuild by Design (RBD) competition inviting communities and designers to craft resiliency and flood damage reduction solutions. The State of New Jersey was subsequently awarded \$230 million to pursue the "Hudson River Project: Resist, Delay, Store, Discharge" (the Project) which seeks to reduce flooding and enhance resiliency in the municipality of Hoboken, and parts of Weehawken and Jersey City.

Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archaeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association. NJDCA, HUD's Responsible Entity, is initiating consultation under Section 106 of the National Historic Preservation Act with the Shawnee Tribe of Oklahoma for the proposed undertaking in accordance with 36 CFR Part 800 and the *Programmatic Agreement among the Federal Emergency Management Agency, the New Jersey State Historic Preservation Officer, the New Jersey State Office of Emergency Management, the Advisory Council on Historic Preservation, the Absentee Shawnee Tribe of Indians of Oklahoma, the Delaware Nation, the Delaware Tribe of Indians, the Shawnee Tribe of Oklahoma, and the Stockbridge Munsee Band of Mohicans as a result of Hurricane Sandy* (the PA).

The NJDCA has designated NJDEP as the lead agency for this project who are assisting with the environmental review. NJDEP will prepare the Environmental Impact Statement (EIS) in accordance with HUD's procedures for NEPA found at 24 CFR Part 58, et al.



NJDEP has initiated the Section 106 process with the New Jersey Historic Preservation Office (NJHPO) and established the project's Areas of Potential Effects (APEs) for both archaeological and historic architectural resources. On June 2, 2016, the NJHPO accepted the project initiation documentation as well as the list of consulting and interested parties.

We respectfully request your participation as a consulted party regarding the Proposed Project and seek your input on any cultural resources that you may be aware of or have concerns about for which you have jurisdiction and that fall within the project boundaries. To meet project timeframes, if you would like to be a consulting party on this project, please let us know of your interest within 30 days. If you have comments on the APE or any initial concerns with impacts of the project on religious or cultural properties, please note them in your response. An NJDCA-authorized representative may be following up with Dr. Brice Obermeyer in approximately 10 days to make sure you received this letter and to discuss whether you plan to consult further on this project.

See http://www.comcon.org/sites/default/files/historic_preservation/ for more information on the Section 106 review process. HUD's process for tribal consultation under Section 106 is described in a Notice available at <https://www.onecpd.info/resource/2448/notice-cpd-12-006-tribal-consultation-under-24-cfr-part-58/>.

If you have any questions, comments, or concerns about the Proposed Project as it relates to cultural resources, please contact Clay Sherman, Project Manager, Office of Flood Hazard Risk Reduction Measures at the address above or at clay.sherman@dep.nj.gov.

Thank you for your consideration and cooperation.

Sincerely,



Charles A. Richman
Commissioner

Enclosures: Project Location
Alternative maps

cc: Brice Obermeyer, THPO
Kate Marcopul, SHPO
Nicholas Smith-Herman, NJDCA
Kim McEvoy, NJDEP
Frank Schwarz, NJDEP
Dennis Reinknecht, NJDEP
Clay Sherman, NJDEP



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS

SANDY RECOVERY DIVISION

101 SOUTH BROAD STREET

PO Box 823

TRENTON, NJ 08625-0823

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHARLES A. RICHMAN
Commissioner

August 19, 2016

Eastern Shawnee Tribe of Oklahoma
Glenna Wallace, Chief
P.O. Box 350
Seneca, Missouri 64865

Rebuild by Design Hudson River

Invitation to Consult as a Consulting Party under Section 106 of the National Historic Preservation Act

Dear Chief Wallace,

In an effort to address flood and resiliency vulnerabilities exposed as a result of Superstorm Sandy in 2012, the United States Department of Housing and Urban Development (HUD) launched the Rebuild by Design (RBD) competition inviting communities and designers to craft resiliency and flood damage reduction solutions. The State of New Jersey was subsequently awarded \$230 million to pursue the "Hudson River Project: Resist, Delay, Store, Discharge" (the Project) which seeks to reduce flooding and enhance resiliency in the municipality of Hoboken, and parts of Weehawken and Jersey City.

Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archaeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association. NJDCA, HUD's Responsible Entity, is initiating consultation under Section 106 of the National Historic Preservation Act with the Shawnee Tribe of Oklahoma for the proposed undertaking in accordance with 36 CFR Part 800 and the *Programmatic Agreement among the Federal Emergency Management Agency, the New Jersey State Historic Preservation Officer, the New Jersey State Office of Emergency Management, the Advisory Council on Historic Preservation, the Absentee Shawnee Tribe of Indians of Oklahoma, the Delaware Nation, the Delaware Tribe of Indians, the Shawnee Tribe of Oklahoma, and the Stockbridge Munsee Band of Mohicans as a result of Hurricane Sandy* (the PA).

The NJDCA has designated NJDEP as the lead agency for this project who are assisting with the environmental review. NJDEP will prepare the Environmental Impact Statement (EIS) in accordance with HUD's procedures for NEPA found at 24 CFR Part 58, et al.



NJDEP has initiated the Section 106 process with the New Jersey Historic Preservation Office (NJHPO) and established the project's Areas of Potential Effects (APEs) for both archaeological and historic architectural resources. On June 2, 2016, the NJHPO accepted the project initiation documentation as well as the list of consulting and interested parties.

We respectfully request your participation as a consulted party regarding the Proposed Project and seek your input on any cultural resources that you may be aware of or have concerns about for which you have jurisdiction and that fall within the project boundaries. To meet project timeframes, if you would like to be a consulting party on this project, please let us know of your interest within 30 days. If you have comments on the APE or any initial concerns with impacts of the project on religious or cultural properties, please note them in your response. An NJDCA-authorized representative may follow up in approximately 10 days with Robin Dushane, your THPO, to make sure you received this letter and to discuss whether you plan to consult further on this project.

See http://www.comcon.org/sites/default/files/historic_preservation/ for more information on the Section 106 review process. HUD's process for tribal consultation under Section 106 is described in a Notice available at <https://www.onecpd.info/resource/2448/notice-cpd-12-006-tribal-consultation-under-24-cfr-part-58/>.

If you have any questions, comments, or concerns about the Proposed Project as it relates to cultural resources, please contact Clay Sherman, Project Manager, Office of Flood Hazard Risk Reduction Measures at the address above or at clay.sherman@dep.nj.gov.

Thank you for your consideration and cooperation.

Sincerely,



Charles A. Richman
Commissioner

Enclosures: Project Location
Alternative maps

cc: Robin Dushane, THPO
Kate Marcopul, SHPO
Nicholas Smith-Herman, NJDCA
Kim McEvoy, NJDEP
Frank Schwarz, NJDEP
Dennis Reinknecht, NJDEP
Clay Sherman, NJDEP



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
SANDY RECOVERY DIVISION
101 SOUTH BROAD STREET
PO Box 823
TRENTON, NJ 08625-0823

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHARLES A. RICHMAN
Commissioner

August 19, 2016

Shawnee Tribe
Ron Sparkman, Chief
29 South Highway 69A
Miami, OK 73005

**Rebuild by Design Hudson River
Invitation to Consult as a Consulting Party under Section 106 of the
National Historic Preservation Act**

Dear Chief Sparkman,

In an effort to address flood and resiliency vulnerabilities exposed as a result of Superstorm Sandy in 2012, the United States Department of Housing and Urban Development (HUD) launched the Rebuild by Design (RBD) competition inviting communities and designers to craft resiliency and flood damage reduction solutions. The State of New Jersey was subsequently awarded \$230 million to pursue the "Hudson River Project: Resist, Delay, Store, Discharge" (the Project) which seeks to reduce flooding and enhance resiliency in the municipality of Hoboken, and parts of Weehawken and Jersey City.

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The NJDCA has designated NJDEP as the lead agency for this project who are assisting with the environmental review. NJDEP will prepare the Environmental Impact Statement (EIS) in accordance with HUD's procedures for NEPA found at 24 CFR Part 58, et al.



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We respectfully request your participation as a consulted party regarding the Proposed Project and seek your input on any cultural resources that you may be aware of or have concerns about for which you have jurisdiction and that fall within the project boundaries. To meet project timeframes, if you would like to be a consulting party on this project, please let us know of your interest within 30 days. If you have comments on the APE or any initial concerns with impacts of the project on religious or cultural properties, please note them in your response. An NJDCA-authorized representative may follow up with Jim Jumper, your THPO, in approximately 10 days to make sure you received this letter and to discuss whether you plan to consult further on this project.

See http://www.comcon.org/sites/default/files/historic_preservation/ for more information on the Section 106 review process. HUD's process for tribal consultation under Section 106 is described in a Notice available at <https://www.onecpd.info/resource/2448/notice-cpd-12-006-tribal-consultation-under-24-cfr-part-58/>.

If you have any questions, comments, or concerns about the Proposed Project as it relates to cultural resources, please contact Clay Sherman, Project Manager, Office of Flood Hazard Risk Reduction Measures at the address above or at clay.sherman@dep.nj.gov.

Thank you for your consideration and cooperation.

Sincerely,



Charles A. Richman
Commissioner

Enclosures: Project Location
Alternative maps

cc:	Kim	Jumper,	THPO
	Kate Marcopul, SHPO		
	Nicholas Smith-Herman, NJDCA		
	Kim McEvoy, NJDEP		
	Frank Schwarz, NJDEP		
	Dennis Reinknecht, NJDEP		
	Clay Sherman, NJDEP		



State of New Jersey

DEPARTMENT OF COMMUNITY AFFAIRS

SANDY RECOVERY DIVISION

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PO Box 823

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CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHARLES A. RICHMAN
Commissioner

August 19, 2016

Stockbridge-Munsee Community
Band of the Mohicans
Wally Miller, Chairman
N8476 Moh He Con Nuck Road
Bowler, Wisconsin 54417

Rebuild by Design Hudson River Invitation to Consult as a Consulting Party under Section 106 of the National Historic Preservation Act

Dear Chairman Miller,

In an effort to address flood and resiliency vulnerabilities exposed as a result of Superstorm Sandy in 2012, the United States Department of Housing and Urban Development (HUD) launched the Rebuild by Design (RBD) competition inviting communities and designers to craft resiliency and flood damage reduction solutions. The State of New Jersey was subsequently awarded \$230 million to pursue the "Hudson River Project: Resist, Delay, Store, Discharge" (the Project) which seeks to reduce flooding and enhance resiliency in the municipality of Hoboken, and parts of Weehawken and Jersey City.

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If you have any questions, comments, or concerns about the Proposed Project as it relates to cultural resources, please contact Clay Sherman, Project Manager, Office of Flood Hazard Risk Reduction Measures at the address above or at clay.sherman@dep.nj.gov.

Thank you for your consideration and cooperation.

Sincerely,



Charles A. Richman
Commissioner

Enclosures: Project Location
Alternative maps

cc: Bonney Hartley, THPO
Kate Marcopul, SHPO
Nicholas Smith-Herman, NJDCA
Kim McEvoy, NJDEP
Frank Schwarz, NJDEP
Dennis Reinknecht, NJDEP
Clay Sherman, NJDEP



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
SANDY RECOVERY DIVISION
101 SOUTH BROAD STREET
PO Box 823
TRENTON, NJ 08625-0823

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHARLES A. RICHMAN
Commissioner

January 5, 2017

Eastern Shawnee Tribe of Oklahoma
Glenna Wallace, Chief
P.O. Box 350
Seneca, Missouri 64865

**Rebuild by Design Hudson River Project: Resist, Delay, Store, Discharge
Invitation to Participate in the Preparation of the Project's Programmatic
Agreement, Section 106 of the National Historic Preservation Act**

Dear Chief Wallace,

The State of New Jersey has received Community Development Block Grant – Disaster Recovery (CDBG-DR) funds from the U.S. Department of Housing and Urban Development (HUD) for the above-noted project. Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archaeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association.

The NJDCA, acting as the HUD Responsible Entity, has invited the Advisory Council on Historic Preservation (ACHP) to participate in the preparation of a Programmatic Agreement to address likely adverse effects to historic properties as a result of the implementation of the "Hudson River Project: Resist, Delay, Store, Discharge" (the Project), which seeks to reduce flooding and enhance resiliency in the municipality of Hoboken, and parts of Weehawken and Jersey City. In accordance with 36CFR800.14(2)(i) of Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), we invite the Eastern Shawnee Tribe of Oklahoma to participate in the development of the project's Programmatic Agreement to address the project's adverse effects to historic properties. For a project description and project map please go to <http://www.nj.gov/dep/floodresilience/rbd-hudsonriver.htm>. Included with this request is a copy of the notification sent to ACHP for your review.



Please provide your response within 15 days to this invitation to Clay Sherman, Project Manager, Office of Flood Hazard Risk Reduction Measures at the address above or at clay.sherman@dep.nj.gov.

Thank you for your consideration and cooperation.

Sincerely,

A handwritten signature in blue ink, appearing to read 'CARICH', with a large circular flourish on the left side.

Charles A. Richman
Commissioner

Enclosures: ACHP Letter

cc: Kate Marcopul, SHPO
Nicholas Smith-Herman, NJDCA
Kim McEvoy, NJDEP
Frank Schwarz, NJDEP
Dennis Reinknecht, NJDEP
Clay Sherman, NJDEP



State of New Jersey

DEPARTMENT OF COMMUNITY AFFAIRS

SANDY RECOVERY DIVISION

101 SOUTH BROAD STREET

PO Box 823

TRENTON, NJ 08625-0823

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHARLES A. RICHMAN
Commissioner

January 5, 2017

Delaware Tribe of Indians
Chief Chester Brooks
Delaware Tribal Headquarters
5100 Tuxedo Boulevard
Bartlesville, Oklahoma 74006

**Rebuild by Design Hudson River Project: Resist, Delay, Store, Discharge
Invitation to Participate in the Preparation of the Project's Programmatic
Agreement, Section 106 of the National Historic Preservation Act**

Dear Chief Brooks,

The State of New Jersey has received Community Development Block Grant – Disaster Recovery (CDBG-DR) funds from the U.S. Department of Housing and Urban Development (HUD) for the above-noted project. Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archaeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association.

The NJDCA, as the HUD Responsible Entity, has invited the Advisory Council on Historic Preservation (ACHP) to participate in the preparation of a Programmatic Agreement to address likely adverse effects to historic properties as a result of the implementation of the "Hudson River Project: Resist, Delay, Store, Discharge" (the Project), which seeks to reduce flooding and enhance resiliency in the municipality of Hoboken, and parts of Weehawken and Jersey City. In accordance with 36CFR800.14(2)(i) of Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), we invite the Delaware Tribe of Indians to participate in the development of the project's Programmatic Agreement to address the project's adverse effects to historic properties. For a project description and project map please go to <http://www.nj.gov/dep/floodresilience/rbd-hudsonriver.htm>. Included with this request is a copy of the notification sent to ACHP for your review.



Please provide your response within 15 days to this invitation to Clay Sherman, Project Manager, Office of Flood Hazard Risk Reduction Measures at the address above or at clay.sherman@dep.nj.gov.

Thank you for your consideration and cooperation.

Sincerely,

A handwritten signature in blue ink, appearing to read 'CAR', with a long horizontal flourish extending to the right.

Charles A. Richman
Commissioner

Enclosures: ACHP Letter

cc: Kate Marcopul, SHPO
Nicholas Smith-Herman, NJDCA
Kim McEvoy, NJDEP
Frank Schwarz, NJDEP
Dennis Reinknecht, NJDEP
Clay Sherman, NJDEP



State of New Jersey

DEPARTMENT OF COMMUNITY AFFAIRS

SANDY RECOVERY DIVISION

101 SOUTH BROAD STREET

PO Box 823

TRENTON, NJ 08625-0823

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHARLES A. RICHMAN
Commissioner

January 5, 2017

Delaware Nation, Oklahoma
Kerry Holton, President
P.O. Box 825
Anadarko, Oklahoma 73005

**Rebuild by Design Hudson River Project: Resist, Delay, Store, Discharge
Invitation to Participate in the Preparation of the Project's Programmatic
Agreement, Section 106 of the National Historic Preservation Act**

Dear President Holton,

The State of New Jersey has received Community Development Block Grant – Disaster Recovery (CDBG-DR) funds from the U.S. Department of Housing and Urban Development (HUD) for the above-noted project. Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archaeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association.

The NJDCA, as the HUD Responsible Entity, has invited the Advisory Council on Historic Preservation (ACHP) to participate in the preparation of a Programmatic Agreement to address likely adverse effects to historic properties as a result of the implementation of the "Hudson River Project: Resist, Delay, Store, Discharge" (the Project), which seeks to reduce flooding and enhance resiliency in the municipality of Hoboken, and parts of Weehawken and Jersey City. In accordance with 36CFR800.14(2)(i) of Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), we invite the Delaware Nation, Oklahoma to participate in the development of the project's Programmatic Agreement to address the project's adverse effects to historic properties. For a project description and project map please go to <http://www.nj.gov/dep/floodresilience/rbd-hudsonriver.htm>. Included with this request is a copy of the notification sent to ACHP for your review.



Please provide your response within 15 days to this invitation to Clay Sherman, Project Manager, Office of Flood Hazard Risk Reduction Measures at the address above or at clay.sherman@dep.nj.gov.

Thank you for your consideration and cooperation.

Sincerely,

A handwritten signature in blue ink, appearing to read 'CAR', with a long horizontal flourish extending to the right.

Charles A. Richman
Commissioner

Enclosures: ACHP Letter

cc: Kate Marcopul, SHPO
Nicholas Smith-Herman, NJDCA
Kim McEvoy, NJDEP
Frank Schwarz, NJDEP
Dennis Reinknecht, NJDEP
Clay Sherman, NJDEP



State of New Jersey

DEPARTMENT OF COMMUNITY AFFAIRS

SANDY RECOVERY DIVISION

101 SOUTH BROAD STREET

PO Box 823

TRENTON, NJ 08625-0823

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHARLES A. RICHMAN
Commissioner

January 5, 2017

Absentee Shawnee Tribe of Oklahoma
Governor Edwina Butler-Wolfe
2025 South Gordon Cooper Drive
Shawnee, Oklahoma 74801

**Rebuild by Design Hudson River Project: Resist, Delay, Store, Discharge
Invitation to Participate in the Preparation of the Project's Programmatic
Agreement, Section 106 of the National Historic Preservation Act**

Dear Governor Butler-Wolfe,

The State of New Jersey has received Community Development Block Grant – Disaster Recovery (CDBG-DR) funds from the U.S. Department of Housing and Urban Development (HUD) for the above-noted project. Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archaeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association.

The NJDCA, as the HUD Responsible Entity, has invited the Advisory Council on Historic Preservation (ACHP) to participate in the preparation of a Programmatic Agreement to address likely adverse effects to historic properties as a result of the implementation of the "Hudson River Project: Resist, Delay, Store, Discharge" (the Project), which seeks to reduce flooding and enhance resiliency in the municipality of Hoboken, and parts of Weehawken and Jersey City. In accordance with 36CFR800.14(2)(i) of Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), we invite the Absentee Shawnee Tribe of Oklahoma to participate in the development of the project's Programmatic Agreement to address the project's adverse effects to historic properties. For a project description and project map please go to <http://www.nj.gov/dep/floodresilience/rbd-hudsonriver.htm>. Included with this request is a copy of the notification sent to ACHP for your review.

Please provide your response within 15 days to this invitation to Clay Sherman, Project Manager, Office of Flood Hazard Risk Reduction Measures at the address above or at clay.sherman@dep.nj.gov.

Thank you for your consideration and cooperation.

Sincerely,

A handwritten signature in blue ink, appearing to read 'CAR', with a long horizontal flourish extending to the right.

Charles A. Richman
Commissioner

Enclosures: ACHP Letter

cc: Kate Marcopul, SHPO
Nicholas Smith-Herman, NJDCA
Kim McEvoy, NJDEP
Frank Schwarz, NJDEP
Dennis Reinknecht, NJDEP
Clay Sherman, NJDEP



State of New Jersey

DEPARTMENT OF COMMUNITY AFFAIRS

SANDY RECOVERY DIVISION

101 SOUTH BROAD STREET

PO Box 823

TRENTON, NJ 08625-0823

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHARLES A. RICHMAN
Commissioner

January 5, 2017

Shawnee Tribe
Ron Sparkman, Chief
29 South Highway 69A
Miami, Oklahoma 74355

**Rebuild by Design Hudson River Project: Resist, Delay, Store, Discharge
Invitation to Participate in the Preparation of the Project's Programmatic
Agreement, Section 106 of the National Historic Preservation Act**

Dear Chief Sparkman,

The State of New Jersey has received Community Development Block Grant – Disaster Recovery (CDBG-DR) funds from the U.S. Department of Housing and Urban Development (HUD) for the above-noted project. Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archaeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association.

The NJDCA, as the HUD Responsible Entity, has invited the Advisory Council on Historic Preservation (ACHP) to participate in the preparation of a Programmatic Agreement to address likely adverse effects to historic properties as a result of the implementation of the "Hudson River Project: Resist, Delay, Store, Discharge" (the Project), which seeks to reduce flooding and enhance resiliency in the municipality of Hoboken, and parts of Weehawken and Jersey City. In accordance with 36CFR800.14(2)(i) of Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), we invite the Shawnee Tribe to participate in the development of the project's Programmatic Agreement to address the project's adverse effects to historic properties. For a project description and project map please go to <http://www.nj.gov/dep/floodresilience/rbd-hudsonriver.htm>. Included with this request is a copy of the notification sent to ACHP for your review.

Please provide your response within 15 days to this invitation to Clay Sherman, Project Manager, Office of Flood Hazard Risk Reduction Measures at the address above or at clay.sherman@dep.nj.gov.

Thank you for your consideration and cooperation.

Sincerely,

A handwritten signature in blue ink, appearing to read 'CARICHMAN', with a long horizontal flourish extending to the right.

Charles A. Richman
Commissioner

Enclosures: ACHP Letter

cc: Kate Marcopul, SHPO
Nicholas Smith-Herman, NJDCA
Kim McEvoy, NJDEP
Frank Schwarz, NJDEP
Dennis Reinknecht, NJDEP
Clay Sherman, NJDEP



The Delaware Nation

NAGPRA/106 Department

31064 State Highway 281
Anadarko, OK 73005
Phone (405)247-2448 Fax (405) 247-8905

NAGPRA	ext. 1182
Museum/106	ext. 1181
Library	ext. 1196
Director	ext. 1180

26 January 2017

To Whom It May Concern:

The Delaware Nation Cultural Preservation Department received correspondence regarding the following referenced project(s).

**Hudson River Project: Resist, Delay, Store, Discharge. Invitation for Participation in
The project's Programmatic Agreement.**

Our office is committed to protecting tribal heritage, culture and religion with particular concern for archaeological sites potentially containing burials and associated funerary objects.

The Lenape people occupied the area indicated in your letter during, or prior to, European contact until their eventual removal to our present locations. According to our files, the location of the proposed project does not endanger cultural or religious sites of interest to the Delaware Nation. Therefore on behalf of the Delaware Nation, and having read the provided planning information, I would request that the standard element of most PA documents of keeping in mind that during construction should an archaeological site or artifacts inadvertently be uncovered, all construction and ground disturbing activities should immediately be halted until the appropriate state agencies, as well as this office, are notified (within 24 hours), and a proper archaeological assessment can be made. With consideration to the existing development, the potential for a site discovery is likely very low, although one never knows what may be discovered with the movement of earth.

Please note the Delaware Nation, the Delaware Tribe of Indians, and the Stockbridge Munsee Band of Mohican Indians are the only Federally Recognized Delaware/Lenape entities in the United States and consultation must be made only with designated staff of these three tribes. We appreciate your cooperation in contacting the Delaware Nation Cultural Preservation Office to conduct proper Section 106 consultation. Should you have any questions, feel free to contact our offices at 405/247-8903 or by email: nalligood@delawarenation.com, or jross@delawarenation.com.

Nekole Alligood
NAGPRA/106 Director
The Delaware Nation
31064 State Highway 281
Anadarko, OK 73005

Davis, Zachary

From: Sherman, Clay <Clay.Sherman@dep.nj.gov>
Sent: Tuesday, February 07, 2017 11:36 AM
To: Smith-Herman, Nicholas
Cc: McEvoy, Kim; Schwarz, Frank; Reinknecht, Dennis; Davis, Zachary; Smith, Lawrence; Doss, Gary
Subject: FW: Rebuild by Design Hudson River Project

This message originated from outside your organization

Nicholas,

We have another interested party for the Programmatic Agreement. I also forwarded the invite for the RBDH Programmatic Agreement meeting on Tuesday the 14th to the interested party.

Clay Sherman, Project Manager
Hudson River Rebuild By Design
www.rbd-hudsonriver.nj.gov

Engineering and Construction
Bureau of Flood Resilience
501 East State Street-1st Floor
Mail Code 501-01A
P.O. Box 420
Trenton, NJ 08625-0420

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From: Tonya Tipton [mailto:tonya@shawnee-tribe.com]
Sent: Tuesday, February 07, 2017 11:05 AM
To: Sherman, Clay
Cc: ben.barnes@gmail.com
Subject: Rebuild by Design Hudson River Project

The Shawnee Tribe is interested in establishing a Programmatic Agreement.

Please contact Second Chief Ben Barnes at ben.barnes@gmail.com

Thank you,

Tonya Tipton



Davis, Zachary

From: McEvoy, Kim <Kim.McEvoy@dep.nj.gov>
Sent: Wednesday, July 19, 2017 2:03 PM
To: Bonney Hartley
Cc: Davis, Zachary; Smith, Lawrence; Doss, Gary
Subject: RE: Request for Consulting Party Review - Hudson River Rebuild By Design (RBD) Programmatic Agreement - Stockbridge-Munsee Mohican Tribe

This message originated from outside your organization

Bonney,
Thank you for the prompt response. We will add you as a consulting party for the archeological compliance.

Sincerely,
Kim McEvoy
RBD Environmental Team Leader
NJDEP Bureau of Flood Resilience
609-789-2526 (cell)
609-292-0307 (direct)

From: Bonney Hartley [mailto:Bonney.Hartley@mohican-nsn.gov]
Sent: Wednesday, July 19, 2017 12:14 PM
To: McEvoy, Kim <Kim.McEvoy@dep.nj.gov>
Subject: RE: Request for Consulting Party Review - Hudson River Rebuild By Design (RBD) Programmatic Agreement - Stockbridge-Munsee Mohican Tribe

Dear Kim,
Stockbridge-Munsee Community will opt to not participate as a signatory to the PA, but will review any subsequent archeological reports under Section 106 as applicable for this undertaking.
Thank you,
Bonney

Bonney Hartley
Tribal Historic Preservation Officer
Stockbridge-Munsee Mohican Tribal Historic Preservation
Extension office
65 1st Street
Troy, NY 12180
(518) 244-3164
Bonney.Hartley@mohican-nsn.gov
www.mohican-nsn.gov

From: McEvoy, Kim [<mailto:Kim.McEvoy@dep.nj.gov>]

Sent: Friday, July 14, 2017 3:05 PM

To: Bonney Hartley <Bonney.Hartley@mohican-nsn.gov>; Shannon Holsey <Shannon.Holsey@mohican-nsn.gov>

Cc: 'Smith, Lawrence' <lsmith@Dewberry.com>; 'Doss, Gary' <gdoss@Dewberry.com>; Davis, Zachary (zdavis@Dewberry.com) <zdavis@Dewberry.com>; Reinknecht, Dennis <Dennis.Reinknecht@dep.nj.gov>; Schwarz, Frank <Frank.Schwarz@dep.nj.gov>; Taylor, Alexis <Alexis.Taylor@dep.nj.gov>; DEP rbdh-archive <rbdh-archive@dep.nj.gov>; Snyder, Kerri <ksnyder@louisberger.com>; Corliss, Christopher <ccorliss@louisberger.com>; 'jloichinger@achp.gov' <jloichinger@achp.gov>; Marcopul, Kate <Kate.Marcopul@dep.nj.gov>; Smith-Herman, Nicholas <Nicholas.Smith-Herman@dca.nj.gov>

Subject: RE: Request for Consulting Party Review - Hudson River Rebuild By Design (RBD) Programmatic Agreement - Stockbridge-Munsee Mohican Tribe

Good Afternoon

The NJDEP, on behalf of NJDCA, is submitting the attached RBD Hudson River Resist, Delay, Store, Discharge Project (Project) Programmatic Agreement for a Final 15-day review. The Project is being federally funded by HUD CDBG-DR and requires compliance with Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended [36 CFR 800.4(a) (1) and 36 CFR 800.4(b) (1)], along with guidelines outlined in the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48 FR 44716).

The State Historic Preservation Office has identified that the Project should develop a project specific Programmatic Agreement, pursuant to 36 CFR 800.14 Federal Agency Program Alternatives, to complete the Section 106 process. NJDEP, on behalf of NJDCA, has provided the PA to all Signatories and Invited Signatories for 2 rounds of comments and our agency has addressed all comments. Your agency has been identified as a consulting party for the Project; therefore, the PA is being sent to your agency for a final 15-day review period, which will initiate on Monday, July 17th and end on Monday July 31st.

If you can provide comments earlier than the 15-day review period we would appreciate it. Documents included are as follows:

1. RBD Hudson River Programmatic Agreement – PDF with Exhibits
2. RBD Hudson River Programmatic Agreement – WORD no Exhibits

After this review period ends, NJDEP, on behalf of NJDCA, will finalize the PA and NJDCA will request that all Signatories execute the PA by signing.

Thank you very much,
Kim

Sincerely,
Kimberly McEvoy
RBD Environmental Team Leader
Bureau of Flood Resilience
609-789-2526 (cell)
609-292-0307 (direct)

EXHIBIT G

**POTENTIAL TREATMENT MEASURES FOR THE
RESOLUTION OF ADVERSE EFFECT**

Exhibit G – Potential Treatment Measures for the Resolution of Adverse Effect

I. Recordation Package

- A. Digital Photography Package: Prior to project implementation, NJDEP shall oversee the successful delivery of a Digital Photography Package prepared by the CRM. The Digital Photography Package will meet the standards cited in the National Park Service's National Register of Historic Places Photographic Policy March 2010 or subsequent revisions (<https://www.nps.gov/nr/PUBLICATIONS/bulletins/photopolicy/index.htm>).
1. The Digital Photography Package shall include a comprehensive collection of photographs of both interior and exterior views showing representative spaces and details of significant architectural features and typical building materials. Exterior photographs shall include full oblique and contextual images of each elevation. Exterior views shall be keyed to a site plan while interior views shall be keyed to a floor plan of the building/structure. The photographs shall be indexed according to the date photographed, site number, site name, site address, direction, frame number, subject matter and photographer's name recorded on the reverse side in pencil.
 2. The Digital Photography Package shall include printed color copies of the digital photographs (on appropriate paper, per NPS Photographic Policy), a CD/DVD of the digital photographs, a completed state architectural inventory form, and a written site history of the historic property.
 3. The NJDEP shall submit the Digital Photography Package to PA Signatories for review and approval. Once reviewed by the PA Signatories and approved by the NJHPO, the NJDEP shall submit full copies of the approved Digital Photography Package to the NJHPO, the City of Hoboken and the New Jersey State Archives for permanent retention.
- B. 35 mm Black and White Film Photography Package: Prior to project implementation, the designated responsible party shall oversee the successful delivery of a 35 mm Black and White Film Photography Package prepared by the CRM.
1. The 35 mm Black and White Film Photography Package shall include a comprehensive collection of photographs of both interior and exterior views showing representative spaces and details of significant architectural features and typical building materials. Exterior photographs shall include full oblique and contextual images of each elevation. Exterior views shall be keyed to a site plan while interior views shall be keyed to a floor plan of the building/structure. The photographs shall be indexed according to the date photographed, site number, site name, site address, direction, frame number, subject matter and photographer's name recorded on the reverse side in pencil.
 2. The 35 mm Black and White Film Photography Package shall include one (1) full set of 35mm film black and white photographs printed on acid free paper, the corresponding 35mm film negatives in acid free sleeves, a completed state architectural inventory form, and a written site history of the historic property.
 3. The NJDEP shall submit the 35 mm Black and White Film Photography Package to PA Signatories for review and approval by the NJHPO. Once approved by the NJHPO, the NJDEP shall submit full copies of the approved 35 mm Black and White Film Photography Package to the NJHPO, the City of Hoboken and the New Jersey State Archives for permanent retention.
- C. Large Format Film Photography Package: Prior to project implementation, the NJDEP shall oversee the successful delivery of a Large Format Film Photography Package prepared by the CRM.
1. The Large Format Film Photography Package shall include a comprehensive collection of photographs of both interior and exterior views showing representative spaces and details of significant architectural features and typical building materials. Exterior photographs shall include full oblique and contextual images of each elevation. Exterior views shall be keyed to a site plan while interior views shall be keyed to a floor plan of the building/structure. The photographs shall be indexed according to the date photographed, site number, site name, site address, direction, frame number, subject matter and photographer's name recorded on the reverse side in pencil.
 2. The Large Format Film Photography Package shall include one (1) full set of 4 x 5 or 5 x 7-inch photographs printed on acid free paper, the corresponding 4 x 5 or 5 x 7-inch negatives in acid free sleeves, a completed state architectural inventory form, and a written site history of the historic property.

Exhibit G – Potential Treatment Measures for the Resolution of Adverse Effect

3. The designated responsible party shall submit the Large Format Film Photography Package to the PA Signatories for review and approval by the NJHPO. Once approved by the NJHPO, the NJDEP shall submit full copies of the approved Large Format Film Photography Package to the NJHPO, the City of Hoboken and the New Jersey State Archives for permanent retention

II. Design Review by PA Signatories

- A. The CRM, NJDEP and the PA Signatories shall work in concert to develop a historically compatible design for the Resist barrier. As specified in Stipulation II.A, plans and specifications will, to the greatest extent feasible, preserve the basic character of the identified historic properties. Primary emphasis shall be given to the major street elevations that are visible. In the event that significant contributing features (e.g. trim, windows, doors, porches) are adversely affected by the Project, repairs will be made with either in-kind materials or materials that come as close as possible to the original materials in basic appearance. Aesthetic camouflaging treatments such as use of veneers, paints, texture compounds and other surface treatments and/or use of sympathetic infill panels and landscaping features will be employed to the greatest extent feasible. Final construction drawings used in the bidding process will be submitted to the PA Signatories for review and comment.

III. Tribal Treatment Plan

- A. The CRM and NJDEP shall work with the Shawnee Tribe to develop a plan for the protection and treatment of, including but not limited to, Native American remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, for known sites and in the event that any are discovered in conjunction with the Undertaking, including archaeological studies, excavation, geotechnical investigations, grading, and all ground-disturbing activity. The plan will also formalize procedures for Tribal monitoring during archaeological studies, grading, and ground disturbing activities for the Undertaking. No photography of Native American human remains or funerary objects other than those used for identification purposes as required by local, state, and federal laws will be allowed.

IV. Public Interpretation

- A. The CRM, NJDEP and the PA Signatories will work together to design an educational interpretive plan. The plan may include signs, displays, educational pamphlets, websites, workshops and other similar mechanisms to educate the public on historic properties within the local community, state, or region. Once an interpretive plan has been agreed to by the PA Signatories, the NJDEP will continue to consult throughout implementation of the plan until all agreed upon actions have been completed by the NJDEP.

V. Historical Context Statements and Narratives

- A. Prior to project implementation, the PA Signatories will collaboratively determine the topic and framework of a historic context statement or narrative the designated responsible party shall be responsible for completing. The statement or narrative may focus on an individual property, a historic district, a set of related properties, or relevant themes as identified in the statewide preservation plan. Once the topic of the historic context statement or narrative has been agreed to, the project may move to the construction phase and the NJDEP shall continue to coordinate with the PA Signatories as the CRM drafts the historic context statement and narrative. The PA Signatories shall have final approval over the end product.

VI. Oral History Documentation

- A. Prior to project implementation, NJDEP will work with the PA Signatories to identify oral history documentation needs and agree upon a topic and list of interview candidates. Once the parameters of the oral history project have been agreed upon, the project may move to the construction phase and the NJDEP shall continue to coordinate with the PA Signatories through the data collection, drafting of the document, and delivery of a final product by the CRM. The PA Signatories shall have final approval over the end product.

VII. Historic Property Inventory

- A. Prior to project implementation, NJDEP will work with the PA Signatories to establish the appropriate level of effort to accomplish a historic property inventory or synthesis of archeological data. Efforts may be directed toward the resurvey of previously designated historic properties and/or districts which have

Exhibit G – Potential Treatment Measures for the Resolution of Adverse Effect

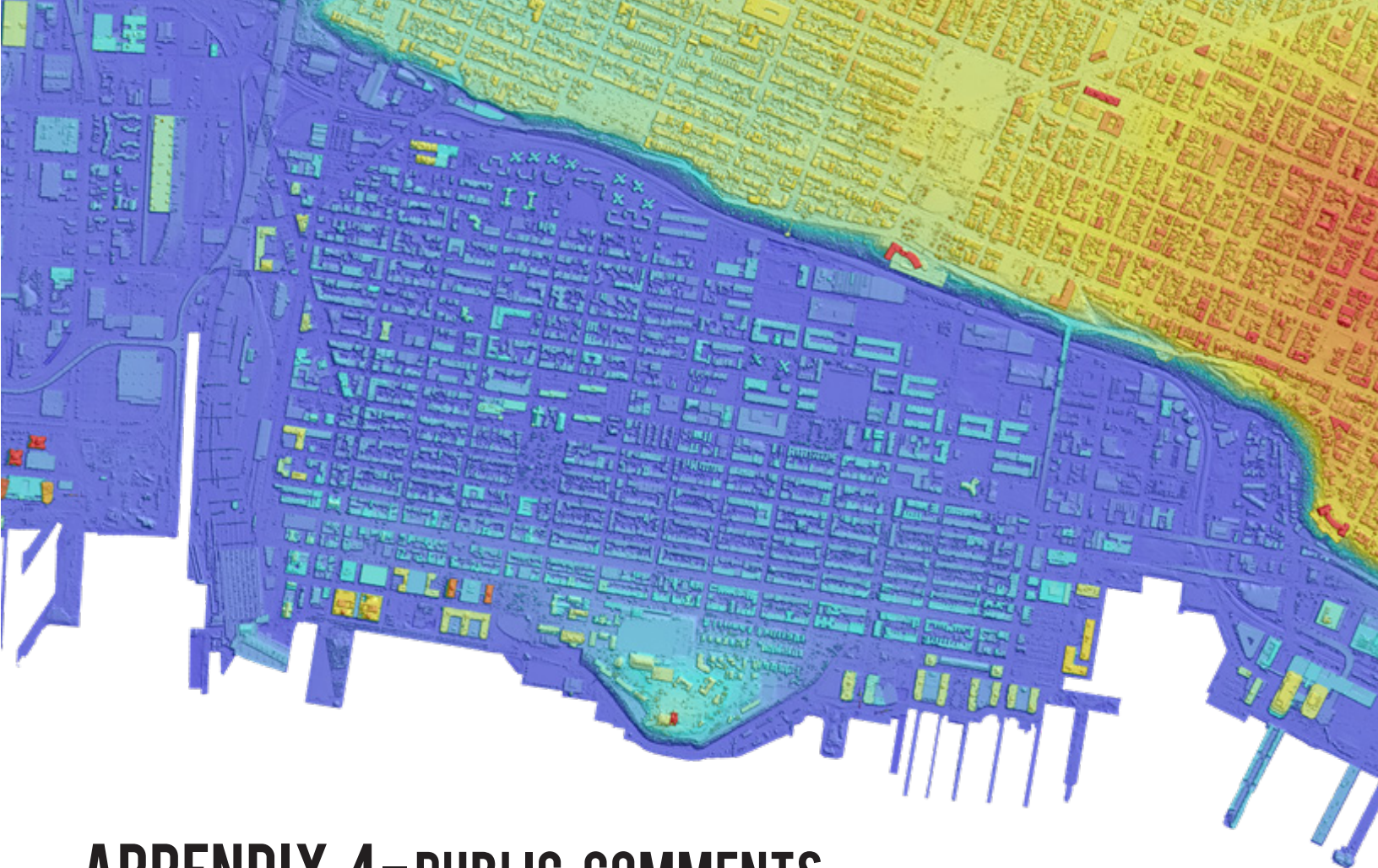
undergone change or lack sufficient documentation, or the survey of new historic properties and/or districts that lack formal designation. Once the boundaries of the survey area have been agreed upon, the project may move to the construction phase and the NJDEP shall continue to coordinate with the PA Signatories through the data collection process. The NJDEP will use NJHPO standards for the survey of historic properties and NJHPO forms as appropriate. The CRM will prepare a draft inventory report, according to NJHPO templates and guidelines, and work with the PA Signatories until a final property inventory is approved.

VIII. National Register and National Historic Landmark Nominations

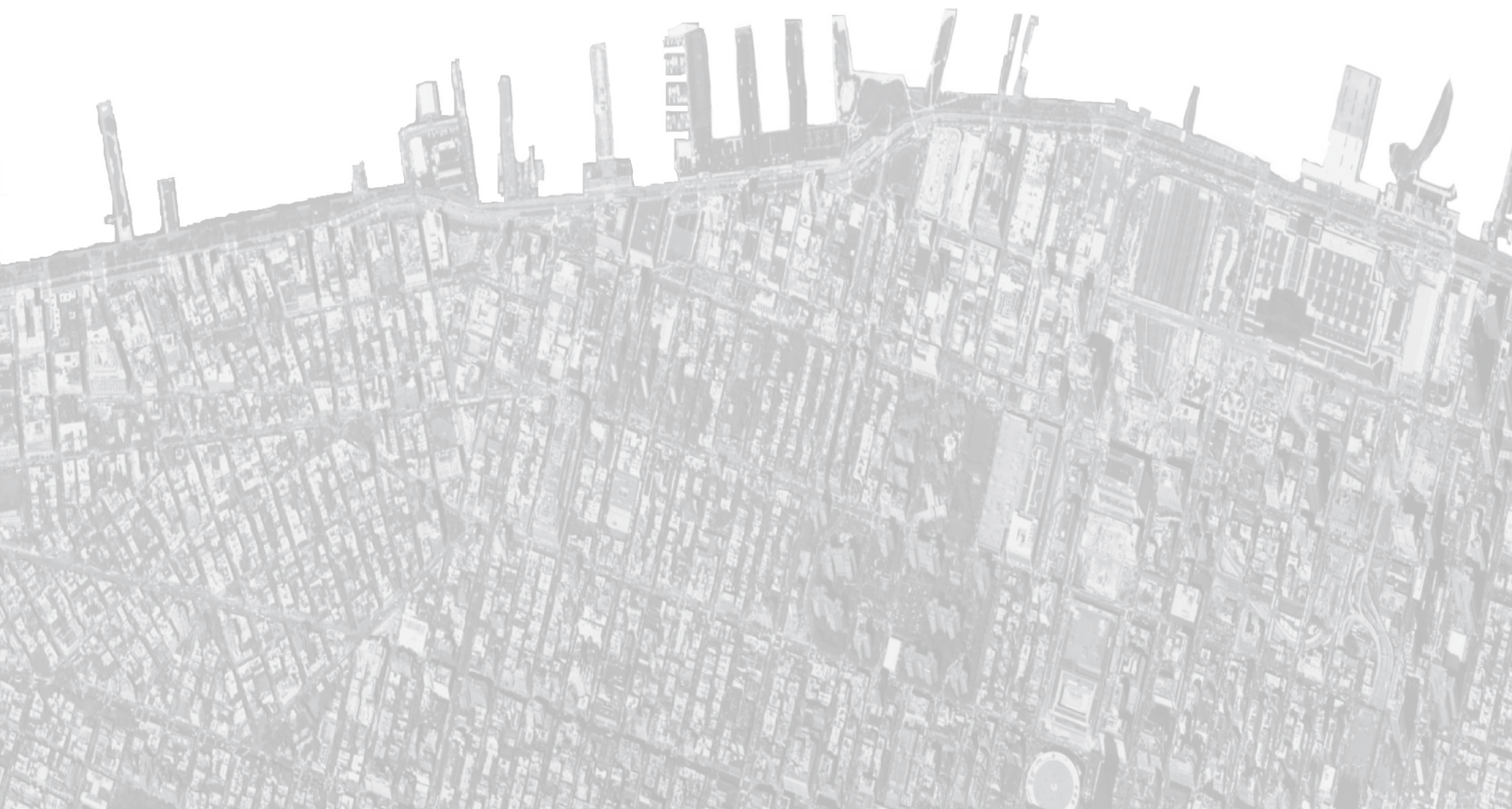
- A. Prior to project implementation, NJDEP will work with the PA Signatories to identify the individual properties that would benefit from a completed National Register or National Historic Landmark nomination form. Once the PA Signatories have agreed to a property, the project may move to the construction phase and the NJDEP shall continue to coordinate with the PA Signatories as the CRM drafts the nomination form. The PA Signatories will provide adequate guidance to the NJDEP during the preparation of the nomination form. The NJHPO shall formally submit the final nomination to the Keeper for inclusion in the National Register. .

IX. Geo-References of Historic Maps and Aerial Photographs

- A. Prior to project implementation, NJDEP will work with the PA Signatories to identify the historic maps and/or aerial photographs for scanning and geo- referencing. Once a list of maps and/or aerial photographs have been agreed upon, the project may move to the construction phase and the NJDEP shall continue to coordinate with the PA Signatories through the scanning and geo-referencing process and shall submit drafts of paper maps and electronic files to them for review. The PA Signatories shall have final approval on the quality of the documentation provided by the designated responsible party. The final deliverable shall include a paper copy of each scanned image, a georeferenced copy of each scanned image, and the metadata relating to both the original creation of the paper maps and the digitization process.



APPENDIX 4-PUBLIC COMMENTS



From: Nathan Meryash

To: [DEP rbd-hudsonriver](#)

Date: Saturday, June 17, 2017 2:22:08 PM

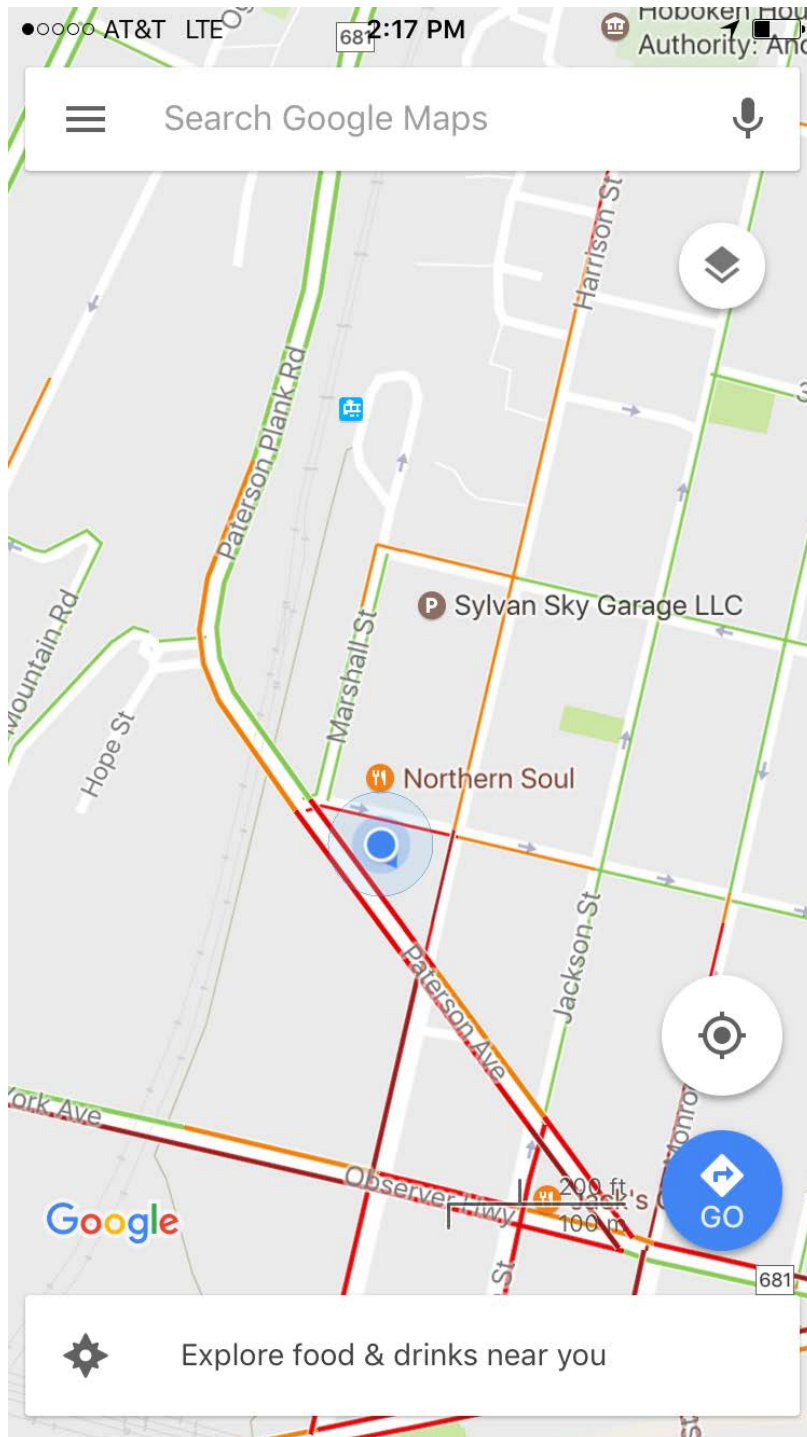
Subject: South West Hoboken Flooding

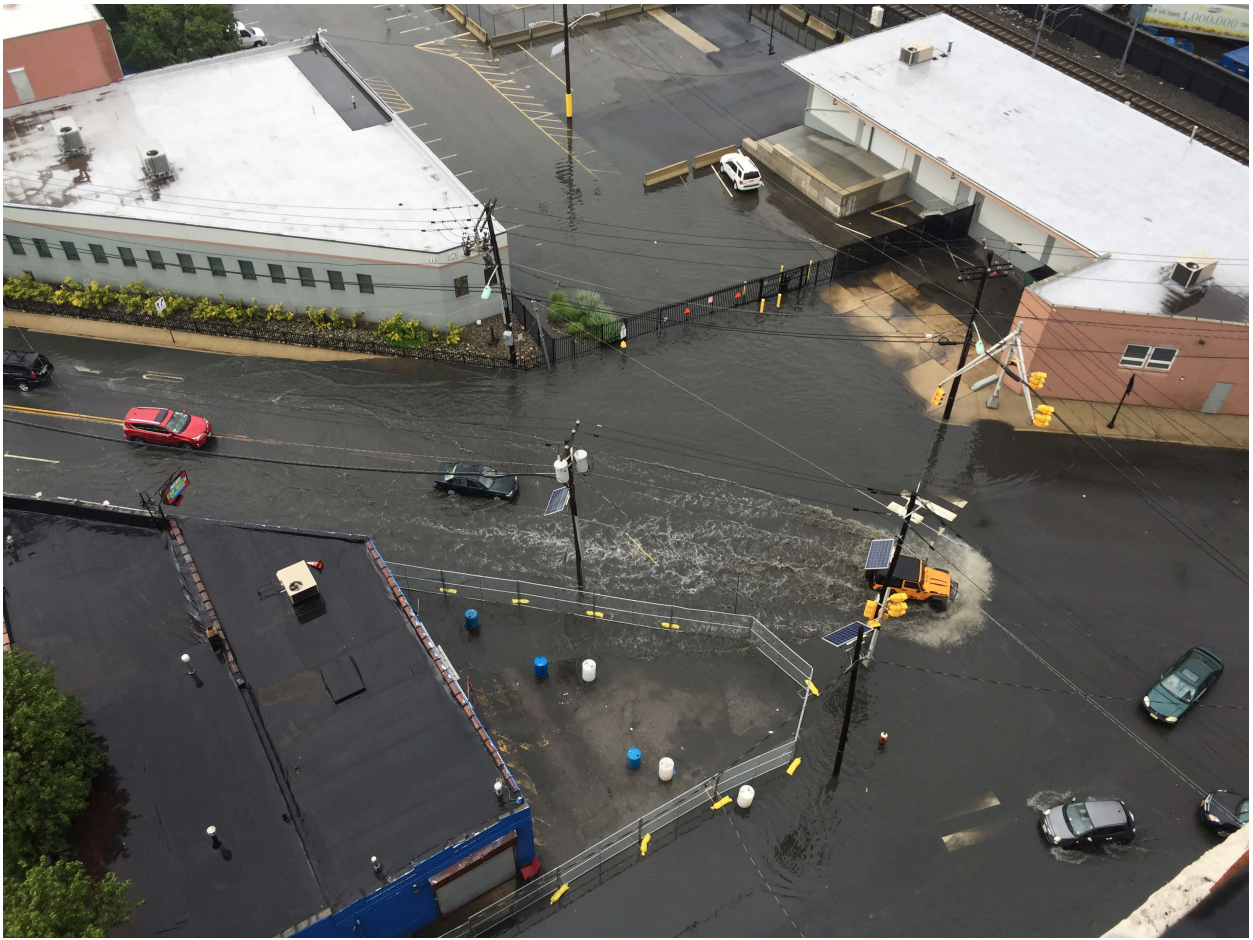
Attachments: [image1.PNG](#)

To Whom it May Concern,

I'd like to share the following images taken on 6/17/2017 to be considered in your flood prevention and mitigation engineering studies.

These issues continue to linger despite the installation and activation of the H5 pump. Water and oil are actively pooling from rain alone (no high winds or storm surge event to bring water in from the river).





We hope this
document
helps
you understand
the situation



From: [Skowronek, Angela](#)
To: [McEvoy, Kim](#)
Cc: [Davis, Sharon](#); [Papalski, Ray](#); [Foster, Ruth](#); [Brunatti, Megan](#)
Subject: FW: Hudson River RBD Final Environmental Impact Statement (FEIS) Notice of Availability (NOA) for NJDEP
Date: Monday, July 17, 2017 3:50:11 PM
Attachments: [RBD HR NOA FEIS Final 05312017.pdf](#)

Kim,

The Bureau of Evaluation and Planning (BEP) has reviewed the Final Environmental Impact Statement (EIS) for the Rebuild by Design project and has the following comment:

1. **Affected Environment and Environmental Consequences – Hazardous Materials**

The Final EIS states, “The removal of contaminated soils represents a direct benefit. Indirect impacts could include air emissions from trucks required to transport soils offsite; however, this impact cannot be quantified until soil disposal locations have been determined. These locations will be determined as part of a Material Management Plan (MMP) prior to construction and once the soils have been fully characterized.”

Comment #1

Section 93.157 (d) (Reevaluation of Conformity) of the Federal General Conformity regulation states, “ If the Federal agency originally determined through the applicability analysis that a conformity determination was not necessary because the emissions for the action were below the limits in §93.153(b) and changes to the action would result in the total emissions from the action being above the limits in §93.153(b), then the Federal agency must make a conformity determination.” If the air emissions associated with the transport of soils to disposal locations within the nonattainment/maintenance increase the total air emissions above the de minimis level in §93.153(b) of the Federal General Conformity regulation, then a conformity determination will be required for this project.

From: Foster, Ruth
Sent: Wednesday, June 07, 2017 3:30 PM
To: Armstrong, Atalaya <Atalaya.Armstrong@dep.nj.gov>; Baratta, Meghan <Meghan.Baratta@dep.nj.gov>; Davis, Kelly <Kelly.Davis@dep.nj.gov>; Gheen, Jan <Jan.Gheen@dep.nj.gov>; Skowronek, Angela <Angela.Skowronek@dep.nj.gov>
Cc: Brunatti, Megan <Megan.Brunatti@dep.nj.gov>; Hoffman, Jeffrey L. <Jeffrey.L.Hoffman@dep.nj.gov>; Foster, Ruth <Ruth.Foster@dep.nj.gov>
Subject: Hudson River RBD Final Environmental Impact Statement (FEIS) Notice of Availability (NOA) for NJDEP

Any comments on this flood resiliency rebuild by design project in Hoboken Area? Please forward to Kim McEvoy and copy Megan and me. This is the project the Hudson Tunnel is going underneath at it's north end.

Ruth W. Foster, PhD., P.G., Acting Director
New Jersey Department of Environmental Protection
Office of Permit Coordination and Environmental Review
Mail Code 401-07J
401 East State Street – PO Box 420
Trenton, NJ 08625
Office # 609-292-3600
Fax # 609-292-1921
Ruth.Foster@dep.nj.gov

From: McEvoy, Kim
Sent: Wednesday, June 7, 2017 1:11 PM
To: Anderson, Ryan <Ryan.Anderson@dep.nj.gov>; Keller, Colleen <Colleen.Keller@dep.nj.gov>; Marcopul, Kate <Kate.Marcopul@dep.nj.gov>; Jones DeSalvo, Alison <Alison.JonesDeSalvo@dol.nj.gov>; Jones, Christopher <Christopher.Jones@dep.nj.gov>; Fanz, Dave <Dave.Fanz@dep.nj.gov>; Foster, Ruth <Ruth.Foster@dep.nj.gov>
Cc: Reinknecht, Dennis <Dennis.Reinknecht@dep.nj.gov>; Schwarz, Frank <Frank.Schwarz@dep.nj.gov>; Sherman, Clay <Clay.Sherman@dep.nj.gov>; Taylor, Alexis <Alexis.Taylor@dep.nj.gov>; DEP rbdh-archive <rbdh-archive@dep.nj.gov>; 'Smith, Lawrence' <lsmith@Dewberry.com>; 'Doss, Gary' <gdoss@Dewberry.com>; MAHON, DONNA N <Donna.N.Mahon@hud.gov>
Subject: RE: Hudson River RBD Final Environmental Impact Statement (FEIS) Notice of Availability (NOA) for NJDEP

Good Afternoon,

This email is to notify your agency that the Final Environmental Impact Statement (FEIS) for the U.S. Department of Housing and Urban Development (HUD)-funded Rebuild by Design Hudson River Project: Resist, Delay, Store, Discharge is available for download and review. The New Jersey Department of Environmental Protection (NJDEP), on behalf New Jersey Department of Community Affairs (NJDEP) (i.e., the responsible entity), is overseeing the environmental review for this project.

The FEIS is being e-filed with EPA and set to be published in the Federal Register on June 16th, 2017. In order to comply with e-filing requirements, we must notify and distribute to commenting agencies the FEIS prior to the e-filing.

Please see the attached Notice of Availability (NOA) of the FEIS for:

- Project-related information (selection of a Preferred Build Alternative); and,
- Instructions on how to comment on the FEIS.

Your agency can download the FEIS for early comment at <ftp.dewberry.com>. The use name is RBDHudsonRiver and the password is 7RTXAT (case sensitive). The files will only be available for download until June 16th, 2017.

CD's will be mailed to your agency the week of June 19th to correspond to the Federal Register publication. There will be a 30-day public comment period for the FEIS, which will officially begin on June 16th and end on July 17th, 2017. Your agency can provide comments at any time during the comment period if you choose; otherwise, please provide all comments by July 17th, 2017, as instructed by the attached NOA.

The FEIS will also be available for public download on the following websites by June 16th, 2017:

- NJDEP RBD Hudson River Project website at www.rbd-hudsonriver.nj.gov.
- NJDCA Sandy Recovery website under "Rebuild By Design - Hudson River" at <http://www.nj.gov/dca/divisions/sandyrecovery/review/>

If there's anything else you need, please do not hesitate to contact me.

Sincerely,
Kim McEvoy
RBD Environmental Team Leader
NJDEP Bureau of Flood Resilience
609-789-2526 (cell)
609-292-0307 (direct)

From: KENROOD
To: [DEP.rbd-hudsonriver](#)
Cc: [Tom Price](#)
Subject: Final Environmental Impact Statement Rebuild by Design, Hudson River Project, dated June 2017
Date: Monday, July 17, 2017 12:46:12 PM

Public Comments Processing

Attention: Mr. Dennis Reinknecht, Program Manager
New Jersey Department of Environmental Protection (NJDEP)
Bureau of Flood Resilience
501 East State Street, Mail Code 501-01A
P.O. Box 420
Trenton, NJ 08625-0420

Dear Mr. Reinknecht:

Environmental Review, Inc. has reviewed the New Jersey Department of Environmental Protection (NJDEP) *Final Environmental Impact Statement for the Rebuild by Design, Hudson River Project*, dated June 2017, and has the following comments:

Chapter 4.0 Development of Alternatives: The Final EIS compares three alternatives that address both storm surge and rainfall flooding in the project area. The alternatives differ in the alignment and general nature of the storm surge barrier but have the same approach to addressing rainfall flooding and combined sewer/stormwater overflow.

The funds allotted to the project are inadequate to implement the preferred alternative and the proposed project will proceed by implementing only the storm surge barrier. The response to public comments (Appendix C; page C-2) recognizes that the remainder of the preferred alternative will be implemented over the next 50 years. Given that the available funds are only adequate to implement either the storm surge barrier or the inland drainage upgrades, the alternative analysis should really compare the storm surge barrier to the drainage upgrades. If the time horizon for constructing the preferred alternative is about 50 years, the project area is likely to experience 5 to 10 inland flooding events (given they occur during a five to ten year rainstorm) but may not experience storm surge flooding, given its relatively infrequent occurrence.

It would seem that the greater benefit for the long time horizon for implementation is to address the more frequent flooding event. This is particularly true when the lower cost and water quality benefits from improving the combined stormwater/sewer system are considered.

Chapter 3.1 Goals and Objectives: *Goal: Contributing to On-going Community Efforts to Reduce FEMA Flood Insurance Rates:* The proposed project will construct a storm surge barrier but will not address inland rainfall flooding (internal drainage). The FEIS does not demonstrate a reduction in the FEMA flood hazard areas from construction of the storm surge barrier and, as a result, it does not support claims that the project, as will be constructed, contributes to reduced rates.

Given that storm surge and other calculations have been completed, this section would benefit from an analysis of the expected benefits, showing the areas where reduced insurance rates might apply, and the time frame before the reductions occur seems to be required. Given the very long time frame before implementation of the

other components of the package, it is difficult to see any actual benefit.

Sincerely yours, Ken Rood – Environmental Reviewer, Environmental Review, Inc.
P.O. Box 2756, Berkeley, CA 94702
www.envreview.org

From: Marguerite Zaira <margueritezaira@gmail.com>
Sent: Monday, July 17, 2017 5:15 PM
To: DEP rbd-hudsonriver
Subject: FEIS report

Dear David Rosenblatt,

Thank you for the opportunity to review the FEIS report and to share some of my concerns with you.

I think it is vital to address how to go forward with the NJDEP as relates to concerns pertaining to negative environmental impact during the construction phase of the project. I am concerned specifically with air quality and suggest that independent environmental analysis be done to develop a plan for modeling, measuring of toxins, and mitigation if needed, on a local level. Analysis of local air quality should begin immediately so we have a baseline against which to compare future air quality once construction begins. We have over a year before construction begins to implement this. Not only do I feel this is a legitimate request, I feel this request for independent scientific analysis could also be extended to other areas of concern. I would like to suggest that funding be allocated to begin this analysis. I would like the DEP to discuss with the community what models exist for determining local air quality and how those models could be applied to the areas of Hoboken, Weehawken and Jersey City where the construction will be located.

Review of air quality FEIS report

Acknowledgement of potential impact to air quality in DEIS report.

In the DEIS report 4.6.1 Methodology section it is stated that activities related to long-term construction (i.e. generally more than two years) adjacent to sensitive receptors may have the potential to impact air quality. In addition, localized areas of congestion and elevated emissions may result from truck deliveries and contractor vehicles within the Study Area roadway network.

However

In the DEIS report it was concluded that no mitigation measures were proposed in that the project estimated emission levels of greenhouse gas in that NJ is listed as attainment for NO₂, Pb, SO₂, and PM₁₀. Nonattainment for O₃, and maintenance for PM_{2.5} and CO.

Modification to DEIS conclusion in FEIS report

In the FEIS report section 11.0, it states that schools within close proximity of construction activities will be reviewed under the final engineering phase. Windows should now be closed not only during high noise periods but as a precaution to minimize fugitive dust exposure. Under the final design phase, the building HVAC systems of these schools will be reviewed in order to determine whether additional filtering systems may be necessary.

As the FEIS report now acknowledges the need to address air quality in schools it is my opinion that a plan with the community to determine other vulnerable populations that may

be impacted is necessary. Senior centers, housing projects, etc. must also be evaluated for potential impact. Certainly residential building owners need to be alerted and a plan for potential mitigation determined. I feel mitigation measures must be addressed should high levels of toxic substances, i.e. PB (lead), be found present in fugitive dust or should there be excessive amounts of PM_{10} or $PM_{2.5}$ be found. Ways to test for emissions must be addressed with the community.

Again I must state my concern that no modeling/assessment of air quality on a local level is being proposed especially in light of the fact that the construction will be extensive and take place over two large areas to the north and south in Hoboken, and over the course of several years. While a great deal of additional information is given in the FEIS report as regards construction schedules etc, I do not see a proposal as to how the DEP will work with the community to assure that air quality will be adequately monitored and mitigated should there be elevated levels of hazardous materials. Monitoring stations were listed but what if any specific plans will be put in place for this project?

Need for local modeling

As an example of the need for local modeling I would call attention to the Diesel Emissions page on DEP's website

<http://www.nj.gov/dep/airtoxics/diesemis.htm>

NJDEP evaluated the health risk from diesel PM in ambient air based on concentrations that were estimated by USEPA for the 2005 NATA (National-scale Air Toxics Assessment). NJDEP looked at both cancer and noncancer effects.

The chart listed notes that Hudson County has the highest risk ratio for cancer of all of NJ from Diesel Particulate risk contribution from mobile on-road and non-road sources.

I would like to note that these are the sources of pollution that will be elevated from all the on and off-road vehicles involved in the project. I would also like to note that air quality is also impacted by proximity to Lincoln and Holland tunnels. It has also been brought to my attention that planning is proceeding for the construction of the Hudson Rail Tunnel. Should this go forward and occur during the same time period there will be a need to further assess local air quality.

Air Emissions Worksheets provided by FEIS report

worksheets begin on page 73 of FEIS report

I would like to use as an example the worksheet information for total $PM_{2.5}$ emissions 2019 for Alternative 3, Option 1

the total amounts given in the report were as follows:

1759302 g/year

1.939 tons/year

These estimations are vital to understanding total exposure to emissions but I still feel there needs to be a method for insuring that these numbers are accurate once construction begins and also there is a need for further interpretation of data facilitated by the NJDEP so members of the community can fully understand what these emission impacts will be.

I have largely focused on PMs, but given that all of NJ is non attainment for O₃, and ground-level O₃ can cause serious adverse health effects and aggravate respiratory disease, there are other pollutants that need to be monitored on a local level. It would seem vital that the precursors of O₃ which are NO_x (NO, NO₂) and VOCs are carefully monitored for this project.

Conclusions

The FEIS report has provided considerable information re estimation of emissions of diesel fueled vehicles and construction time lines.

However my concerns that the FEIS report has not addressed the need for local modeling and testing remain the same. There needs to be direct working with the community to design a local-scale assessment. There needs to be a system in place to provide local air toxics monitoring.

I also feel there is a need to have independent representatives from the scientific community who specialize in environmental science available to CAG members and other stake holders to answer questions of concern and to clarify data that is being provided to the community. These environmental scientists should also be tasked with reviewing the current modeling by the NJDEP and in addition provide local models and methodology for measuring local contaminants.

Mitigation measures that extend beyond filtration systems of schools with HVAC systems need to be discussed and planned for as well, should unacceptable levels of contaminants be found.

There have been extensive health hazards that have adversely impacted lives in any number of situations where potential environmental hazards were not adequately addressed. One need only look at the tragedy that occurred in the aftermath of 9/11 that adversely impacted the health of residents of the area and first responders who were exposed to hazardous materials. Sadly the EPA advised at that time that there were no health risks to these people. Yes that was a highly concentrated and massive event but my point is that this construction will be exceptionally large and extend for years in two areas of a highly populous community already impacted by high volumes of air pollutants

from sources including the Holland and Lincoln tunnels. My concern is that the potential health impacts on the local community are not being adequately addressed.

If this flood retention wall is meant to be a model for future projects in other cities at risk, to defend against similar flooding that occurred during Sandy, it should also be a model for how to protect residents and insure the health of the community during the construction. I trust the NJDEP will share this goal.

Sincerely

Marguerite Bunyan
CAG member

Schwarz, Frank

From: Ravinder Bhalla <councilmanbhalla@gmail.com>
Sent: Monday, July 17, 2017 6:31 PM
To: DEP rbd-hudsonriver
Cc: Reinknecht, Dennis; Caleb Stratton; Carter Craft; LaTrenda Ross; Ravinder Bhalla; Melissa Abernathy; Alyse & Brian Battaglia; Gary Holtzman; Roberson, Meika; Ed Friedrich; rayboot8@optimum.net; Dawn Zimmer; Jennifer Gonzalez
Subject: HOBOKEN CAG FEEDBACK ON FEIS
Attachments: RBD HOBOKEN CAG FEIS.pdf

Please see attached.

**REBUILD BY DESIGN – HUDSON RIVER PROJECT
COMMUNITY ADVISORY GROUP
CITY OF HOBOKEN**

July 17, 2017

Via email: (rbd-hudsonriver@dep.nj.gov)

David Rosenblatt, Director
Office of Flood Hazard Risk Reduction Measures
New Jersey Department of Environmental Protection
401 East State Street, Mail Code 501-01A
Trenton, NJ 08625-0420

Dear Director Rosenblatt:

On behalf of the Co-Chairs of the Hoboken Community Advisory group, as well each members-signatories below, we respectfully submit the following comments on the Rebuild by Design Hudson River Project (RBD-HR) for the Final Environmental Impact Statement (FEIS).

As you know, Superstorm Sandy devastated our community in Hoboken, and the RBD-HR FEIS marks an important milestone in the evolution of our city and neighboring communities. For the last two years, it has been our pleasure to serve the community, and work with your staff and designers to arrive at a preferred alternative for the project. We support the alignment included in Alternative 3, with a preference towards the implementation of Option 1 as part of the southern alignment.

We understand that the implementation of this first phase of the project will be a balancing act. There is a necessity to complete a resist alignment that achieves a consistent design elevation to meet current federal regulations while providing for sea level rise; and also planning for the full buildout of the Delay, Store, Discharge (DSD) strategy. This project must be designed in a way that meets the intent of Rebuild by Design, incorporating world class architecture, design, programming, management, operations and maintenance to seamlessly fit into the city fabric.

We reiterate our prior request that the FEIS clearly and affirmatively recognize one of the explicit goals of the CAG: to protect the most vulnerable residents in this project area. We have stated this in verbal and written testimony during the course of this process, but as of yet, this critical goal has not yet been given appropriate recognition as a priority of the project.

The Housing Authority, for example, is an area of the city that was impacted severely by coastal storm surge and is continually impacted by heavy rain events. With this in mind, and as Alternative 3 is implemented, the NJDEP should act judiciously with its use of funds. NJDEP should also utilize any remaining funds not required for completion of the critical “resist”

component by allocating those remaining funds to support completion of the DSD elements in the following ways:

- Plan, design and construct the adjacent NJ Transit DSD site with a number of programs that help to reduce local flooding during rain events and increase recreational opportunities at other times;
- Plan, design and construct the upgrades of the sewer and stormwater systems in the vicinity of the Hoboken Housing Authority to reduce and eventually eliminate the combined sewer overflow events that flood streets, basements, and other areas;
- Provide funds for the cultivation of an education curriculum commensurate with the scope and scale of this city-changing project;
- Facilitate the construction of the Northwest Resiliency Park (formerly BASF site); and
- Assist facilities that are located within the floodplain, but seaward of the proposed levee, with mitigation assistance.

We offer the following comments on the FEIS and request that the NJDEP incorporate these concerns, questions, and thoughts into the scope of work for the next design contractor. Some of these items are a restatement of positions and comments made on the DEIS, but warrant inclusion in our last official correspondence of record.

Community outreach plan should be updated to coordinate additional mitigation

- Site specific mitigation should be planned for buildings and residents that are located along the alignment, as well as additional outreach, materials and signage to better communicate any short or long term impact, especially construction impacts related to noise, traffic, and vibration.

Propose additional mitigation for construction work, staging and truck routes

- The FEIS needs to plan more carefully for how construction work will be organized, sequenced, staged, as well as the environmental performance and impacts of the various construction equipment that may be used. Truck routes should be established, and the new design engineer should be required to begin this process immediately. To the greatest extent practicable efforts should be made to reduce the impact on buildings and residents that are located along the alignment, local streets, and community facilities.

Heightened sensitivity to Cultural Resources, Noise Receptors, Schools, and Houses of Worship

- It is critical that residents and businesses that may be affected by the alignment are engaged early and in a regular and frequent way through the design and implementation processes. For example, Washington Street is a valuable historic asset, our main thoroughfare, and the cultural engine of our City. On-going efforts to minimize impacts to historic properties as it relates to both short term and long term impacts of either small or large magnitude should be one of the projects highest priorities.

For DSD design and implementation, prioritize the projects with the lowest cost-highest magnitude of impact, in terms of water management as well as community engagement.

- As the project stands, there is a recommendation to implement all the DSD elements of the plan, but there is not a hierarchy to define what should be priority investments. Additional planning and design work would enable prioritization of any future investments either by the NJDEP, City of Hoboken or North Hudson Sewerage Authority (NHSA). Because the DSD phase of this project will be phased over a period of time where the NHSA will also be completing and implementing the Long Term Control Plan, the recommendations made in the FEIS should be clear in prioritizing the highest value interventions. Working in partnership with the Hoboken Housing Authority on the aforementioned upgrades to the sewer system, the adjacent NJ Transit DSD site at the Housing Authority, and sites in proximity to schools and community facilities such as public buildings, cultural institutions, and houses of worship should be a high priority for implementation funding.
- As part of the DSD strategy an outfall is proposed in Hoboken Cove. With the activation of Harborside Park it is absolutely critical that additional studies are performed to better understand the current water quality characteristics of the cove, including but not limited to pathogens and dissolved oxygen, and identify solutions to improve water quality. If a new outfall will reach the cove it is imperative that it either contributes to the overall improvement of water quality, or extends far enough into Hudson River that it does not impact water quality. Moreover, because of the activation of Harborside Park and expected use of the water here for increased recreation, this project should take a broader position or even expand the scope of investigation to encourage the North Hudson Sewerage Authority to extend existing outfalls further into the Hudson River in an effort to improve water quality in the cove.

Provide clearer construction estimates as well as operations and maintenance (O&M) costs

- The project team should provide construction/O&M estimates at each design milestone (30%, 60%, 90%) so that any deficiencies or excess of funds are identified as early as possible.

Re-affirm original design team assumptions and modeling

- Subsurface investigation should be prioritized and expedited to understand if there are pre-existing conditions that limit the scope of foundation work for the proposed alignment.
- The design team should verify or corroborate the displacement models generated by Dewberry, incorporate additional and or new information from the design contractor as well as continue to incorporate new information from FEMA and other federal agencies. The effectiveness of the proposed alignment and configuration should be tested again in a simulated environment and an animation of the results made available to the public on the NJDEP website, as has been done with other animations.

We are grateful for your consideration of the foregoing comments. If you have any questions or require additional information, please do not hesitate to contact us.

Very truly yours,

/s/ Ravinder S. Bhalla

Ravinder S. Bhalla
CAG Co-Chair

/s/ Carter Craft

Carter Craft
CAG Co-Chair

/s/ LaTrenda Ross

LaTrenda Ross
CAG Co-Chair

/s/ Melissa Abernathy

Melissa Abernathy
CAG Member

/s/ Ed Friedrich

Gary Holtzman
CAG Member

/s/ Gary Holtzman

Gary Holtzman
CAG Member

/s/ Brian Battaglia

Brian Battaglia
CAG Member

/s/ Ray Guzman

Ray Guzman
CAG Member

/s/ Meika Roberson

Meika Roberson
CAG Member

cc: Dennis Reinknecht, NJ DEP (via email)
Caleb Stratton, City of Hoboken (via email)

Schwarz, Frank

From: jpcjohnncarey@aol.com
Sent: Tuesday, July 18, 2017 12:00 AM
To: DEP rbd-hudsonriver
Cc: councilmanbhalla@gmail.com; carter@outsidenewyork.net; cstratton@hobokennj.gov; Reinknecht, Dennis
Subject: Fwd: CAG FINAL FEEDBACK ON FEIS - WE NEED YOUR FEEDBACK/APPROVAL
Attachments: Rosenblatt 71017 FEIS CAG FEEDBACK jpc 170717 NOTES.docx

Dear Mr Rosenblatt and NJDEP,

Earlier today I had sent on some thoughts and notes to fellow members of our Hoboken/Hucson RBD CAG. I had not time to earlier focus on this. As today is late in the process of the FEIS I was told that it would be difficult for CAG letter which is being sent directly on to you to be edited to include some of this information and then send it on to you as required with what had to be done.

I am submitting to you here and to the NJDEP my e-mail and annotations to a draft letter with started to circulate on Friday from the CAG. Please make this e-mail in it admittedly rough form with its attachment as part of the record. Most of my thoughts here in deal with some of the logistical issues of getting construction material and deliveries in an out of our congested bottlenecked city. I am advocating for the DEP through the FEIS and by other means to "think out of the box" and investigate options using our waterfront and rail assets in the transport of materials into and out of the Hoboken. In doing this we can help mitigate traffic tie ups and congestion which already exist and which will undoubtedly be most critical to the RBD work.

Supplies and logistics will be critical to completing the work here. In some circumstances these issues would be largely left up to the contractors as means and methods. The potential for conflict and congestion is too great here to leave a contractor without guidance to make sure all goes well

Please review in total

Thank you;

jpc

Hoboken CAG Member

John P. Carey CFM
209 3th Street
Hoboken NJ 07030

-----Original Message-----

From: jpcjohnncarey <jpcjohnncarey@aol.com>
To: councilmanbhalla <councilmanbhalla@gmail.com>; carter <carter@outsidenewyork.net>; trendaross45 <trendaross45@gmail.com>
Cc: dzimmer <dzimmer@hobokennj.gov>; cstratton <cstratton@hobokennj.gov>; jgonzalez <jgonzalez@hobokennj.gov>; margueritezaira <margueritezaira@gmail.com>
Sent: Mon, Jul 17, 2017 2:24 pm
Subject: Re: CAG FINAL FEEDBACK ON FEIS - WE NEED YOUR FEEDBACK/APPROVAL

Ravi et al,

Thank you for your work. As per my note on Friday i have had a busy last week with our Anniversary and a hometown reunion from which I returned late and tired yesterday.

I only got around to reviewing your draft letter this morning. I am writing some notes below in this e-mail and place other on your attached draft letter. Pardon me for not using the draft editing format which I wish I was more familiar with. I thought it best to get these note back to you as you and others can edit, abbreviate and consolidate further the concerns I have.

I believe i have insights into logistical and construction issues which others involved in the CAG do not. I have seen waterfront construction at Liberty State Park, the Statue and Ellis Island which presented unique maritime logistical challenges. I have been on site in Manhattan and elsewhere which required creative logistics and timing to minimize impacts and optimize construction efficiency. Space is tight there is always a lot going on. The RBD work is not being done in a void. I believe some of these observations may help.

The letter should note and acknowledge the impact to areas in Jersey City and Weehawken on the north and south end of the study zone being protected. The work being done is mostly to protect Hoboken but substantial amounts of it are in our neighboring Cities (ie 4 gates below the NJT tracks in Jersey City).

We all know how traffic and other ongestion impacts us. This has been an ongoing challenge and elevated major public concern. As RBD work commences we might expect this congestion to be pushed to the extreme. Mitigating these impacts should be a primary concern of the CAG, the NJDEP, and contractors working here. We have past lessons learned and new leassons learned with our onging PSE&G, NHSA and Washington Street work. I fear this will go beyond any or all of those considering how dynamic our city is and the order of magnitude of the scope of what we about to start.

Recently I have turned to thought to thinking out of the box in regard to our challenges. We may not have to assume that construction deliveries and traffic will come in and out though our bottle necks by road. Maybe they do not. Maybe we can guide some of the impending planning to look at options.

We have potential rail and waterfront options which should review and creatively looked at. When you look at our history materials were brought in and out of our our congested waterfront city by rail and water long before we defaulted to the primary use of road vehicles, We may find ourselves blessed to some remenants of right of ways and infrastructure that might benefit us once again. This will require coordination with NJT rail, HBLRT, Union Dry Dock and others. We need to minimize traffic into and out of our city by road. We need to optimize and streamline traffic once it is here and hopefull keep it as close to immediate areas where work is being done. We wish to minimize impact on residential areas and continue to provide for our commercial needs. We may find ourselves blessed to have right of ways and remenents no longer used infrastructure that can be put to use again.

Also it is late in the process but we need to acknowledge that another impending large construction project may impact our expected work. Planning (and funding) seems to be proceeding towards the goal of a new Hudson Rail Tunnel which as i understand it will be using the southernmost of the proposed four tunnel rail alignments. This would have a vertical ventilation shaft and building constructed north of the HBLR tracks in "the Shades" just north of the NHSA plant. Most people assume this is Weehawken but actually it is couple acres of Hoboken as I believe the municipal boundary followed the old creek alignment not the frieght line (now the light rail) which went in later. Yes the plans seem to indicate that some of this tunnel with it's access point lies below a northern tip of land in Hoboken and below Weehawken/ Hoboken Cove. If the tunnel work was not connected to the surface at this ventshaft there might be no impact at all but it is and we need to understand if the plan is for huge amounts of excavated material be be removed not just for the shaft but adjoining areas of the tunnel as opposed to out by way of the North Bergen or NYC portals.

The potential for extensive deliveries and road congestion presents itself. There may also be synergies with our construction needs. Collectively there may be as much information on this largely subterranean project as our largely waterfront project which is too much obviously to take in now. The DEIS the rail tunnel is at: www.hudsonstunnelproject.com/deis.html. The Rail Tunnel project website is at: www.hudsonstunnelproject.com/contact.html. I hope and trust that our municipal, DEP, NJT, Amtrak and other agencies, shareholders and officials have already reviewed potential impacts of the Tunnel project on our City but in particularly in regard to RBD.

Please find attached my bold face annotations to your draft for review, reflection, editing and abbreviated inclusion as best suits us.

I continue to review today the FEIS main document and I see anything radical or critical there that I should send on. I understand we are at the deadline. I will do my best to get back ASAP as I know this document has to be sent in today.

Thanks for everyones work. Sorry for my delays. Hope my thoughts bear merit.

jpc

John P. Carey
Hoboken RBD CAG

-----Original Message-----

From: Ravinder Bhalla <councilmanbhalla@gmail.com>

To: Carter Craft <carter@outsidenewyork.net>; LaTrenda Ross <trendaross45@gmail.com>

Cc: Dawn Zimmer <dzimmer@hobokennj.gov>; Caleb Stratton <cstratton@hobokennj.gov>; Jennifer Gonzalez <jgonzalez@hobokennj.gov>

Sent: Fri, Jul 14, 2017 6:03 pm

Subject: CAG FINAL FEEDBACK ON FEIS - WE NEED YOUR FEEDBACK/APPROVAL

Dear RBD Community Advisory Group members,

Attached please find a DRAFT letter to the DCA for your review and approval.

In order for us to have your name appended to this document, I need you to email me directly to confirm that you approve of LaTrenda, Carter and I to add your electronic signature to this document.

permission to add your name.

The deadline for submission of this document is MONDAY, JULY 17th, so please get back to me as soon as possible.

I want to thank Carter, LaTrenda and all the members of the CAG who contributed to putting together this document. We really appreciate it!

Hope to hear from you soon.

Best,

Ravi

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July 17, 2017~~July 7, 2017~~

Via email: (rbd-hudsonriver@dep.nj.gov)

David Rosenblatt, Director
Office of Flood Hazard Risk Reduction Measures
New Jersey Department of Environmental Protection
401 East State Street, Mail Code 501-01A
Trenton, NJ 08625-0420

Dear Director Rosenblatt:

On behalf of the Co-Chairs of the Hoboken Community Advisory group, as well ~~as members X,Y,Z,each~~ members-signatories below, we respectfully submit the following comments on the Rebuild by Design Hudson River Project (RBD-HR) for the Final Environmental Impact Statement (FEIS).

As you know, Superstorm Sandy devastated our community in Hoboken, and the RBD-HR FEIS marks an important milestone in the evolution of our city and neighboring communities. For the last two years, it has been our ~~distinct~~ pleasure to serve the community, and work with your staff and designers to arrive at a preferred alternative for the project. We support the alignment included in Alternative 3, with a ~~strong~~ preference towards the implementation of Option 1 as part of the southern alignment.

We understand that the implementation of this first phase of the project will be a balancing act. There is a ~~with the~~ necessity to complete a resist alignment that achieves a consistent design elevation to meet current federal regulations while providing for sea level rise; and also planning for the full buildout of the Delay, Store, Discharge (DSD) strategy. This project must be designed in a way that meets the intent of Rebuild by Design, incorporating world class architecture, design, ~~and~~ programming, management, operations and maintenance to seamlessly fit into the city fabric.

~~The document still fails to acknowledge~~ We reiterate our prior request that the FEIS clearly and affirmatively recognize one of the explicit goals of the CAG. One of the core purposes of this project should be: to protect the most vulnerable residents in this project area. We have stated this in verbal and written testimony for the past 21 months but it is not expressly stated as it ought to be during the course of this process, but as of yet, this critical goal has not yet been given appropriate recognition as a priority of the project.

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~~For instance, tThe~~ The Housing Authority, ~~for example,~~ is an area of the city that was impacted severely by coastal storm surge and is continually impacted by heavy rain events. With this in mind, and as ~~Aa~~ Alternative 3 is implemented, the NJDEP should act judiciously with its use of funds. NJDEP should also utilize any remaining funds not required for completion of the critical “resist” component by allocating those remaining funds to support completion of the DSD elements in the following ways:

- Plan, design and construct the adjacent NJ Transit DSD site with a number of programs that help to reduce local flooding during rain events and increase recreational opportunities at other times;
- Plan, design and construct the upgrades of the sewer and stormwater systems in the vicinity of the Hoboken Housing Authority to reduce and eventually eliminate the combined edation of sewer overflow events that flood streets, basements, and other areas; anitary and storm water; and
- ~~plan, design and construct the adjacent NJ Transit DSD site.~~
- Provide funds for the cultivation of an education curriculum commensurate with the scope and scale of this city-changing project;
- ~~Facilitate the construction of the Northwest Resiliency Park (formerly BASF site); and~~
- ~~Assist facilities that are located within the floodplain, but seaward of the proposed levee, with mitigation assistance.~~
- ~~Provide funds for the cultivation of an education curriculum commensurate with the scope and scale of this city-changing project.~~

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We offer the following comments on the FEIS and request that the NJDEP incorporate these concerns, questions, and thoughts into the scope of work for the next design contractor. Some of these items are a restatement of positions and comments made on the DEIS, but warrant inclusion in our last official correspondence of record.

- ~~The community~~ *Community* outreach plan should be updated to coordinate additional mitigation

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- Site specific mitigation should be planned for buildings and residents that are located along the alignment, as well as additional outreach, materials and signage to better communicate any short or long term impact, especially construction impacts related to noise, traffic, and vibration.

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- ~~Propose additional mitigation for cConstruction wWork, sStaging and tTruck~~ *Routes*

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- The FEIS needs to plan more carefully for how construction work will be organized, sequenced, ~~and~~ staged, as well as the environmental performance and impacts of the various construction equipment that may be used. -Truck routes should be established, and the new design engineer should be required to begin

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this process immediately. To the greatest extent practicable efforts should be made to reduce the impact on buildings and residents that are located along the alignment, local streets, and community facilities.

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CONSIDER ALTERNATE OF TRANSPORTING MATERIALS INTO OUR CITY AS TO BALANCE THE NEEDS OF CONSTRUCTION WITH ROUTES WHICH WILL BE IMPACTED AT RUSH HOUR AND OTHER HIGH CONGESTION TIMES.

CONSIDER STOCK PILING MATERIAL AT SELECT (HOPEFULLY NON RESIDENTIAL) LOCATIONS NEAR WORK AT THE NORTHERN AND SOUTHERN ALIGNMENTS

CONSIDER ALTERNATE TRANSPORT OF MATERIAL USING OUR WATERFRONT AND RAIL ALIGNMENTS WHICH MAY EXPEDITE CONSTRUCTION MATERIAL DELIVERIES AND REMOVE/ MINIMIZE TRAFFIC ON OUR ROADS.

CAN CONSTRUCTION DEBRIS AT THE SOUTH END OF TOWN BE SHIPPED OUT USING RAIL FREIGHT CONTAINERS PARKED ON A TRACK ALIGNMENT NEAR OBSERVER HIGHWAY?

CAN CONCRETE BE BATCHED ON A "SPUD" BARGE DOCKED ON THE HUDSON BULKHEAD IN WEEHAWKEN COVE? IS THERE ENOUGH DEPTH THERE TO BRING SUPPLIES IN AND OUT?

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CAN A DEAL BE WORKED OUT WITH UNION DRY DOCK TO TRANSFER MATERIALS AND SUPPLIES USING THERE EXISTING ACCESS? THEY HAVE INTACT BULHEADS AND OTHER USEFUL INFRASTRUCTURE.

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CAN A CONCRETE PLANT BE PLACED ON A BARGE AT UNION DRY DOCK OR ELSEWHERE TO FEED TRUCKS NORTH AND SOUTH SO AS TO KEEP THIS TRAFFIC AWAY FROM OUR BOTTLENECKS. BATCHING PLANTS ON BARGES HAVE BEEN USED ON DURING NYC'S FDR CONSTRUCTION AND ELSEWHERE IN THE REGION.

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CAN DEBRIS BE BARGED OUT FROM UNION DRYDOCK OR ELSEWHERE? CAN SUPPLIES BE BARGED IN?

CAN A SIDING BE BUILT ON THE HBLT WHICH MIGHT TRANSPORT MATERIAL DURING BETWEEN 2AM AND 5AM OFF HOURS?

CAN CLEAN FILL BE STOCK PILED HOPPER CARS AND OFFLOADED BY CONVEYOR BELT UP NEAR DYKES OR THE NHSA? AT UNION DRYDOCK? CAN CONSTRUCTION DEBRIS BE LOADED ONTO HOPPER CARS OR DUMPSTERS PLACED ONTO FLATBEDS RAIL CARS INSIDE A TENT STRUCTURE TO MINIMIZE DUST?

ALL OPTIONS FOR SUPPLY AND/OR REMOVAL SHOULD BE LOOKED AT WITH THE USE OF TENTS, TEMPORARY OR OTHER STRUCTURES TO CONTAIN DUST AND MINIMIZE IMPACT ON THE PUBLIC WHERE POSSIBLE AND AS ENVIRONMENTALLY REQUIRED.

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WE NEED TO THINK OUT OF THE BOX AND NOT JUST SEE MATERIAL COMING INTO AND OUT OF THE CITY OVER OUR ROADS AS IT DOES FOR MOST CONSTRUCTION JOBS. THE ORDER OF MAGNITUDE OF WORK BEHOVES US TO DO THIS.

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A GOAL IN MY MIND SHOULD BE TO MINIMIZE DEBRIS TRANSFER/ DUMP TRUCK/ CRITICAL CONCRETE LOADS/ CONSTRUCTION FILL ETC DELIVERIES ACROSS THE BOTTLE NECKS AT OUR CITY'S EDGE. THIS IS ESPECIALLY IMPORTANT DURING RUSH HOURS WHICH MAY BE THE EXACT TIME SUCH DELIVERIES WOULD AFTER BE MADE ON MANY CONSTRUCTION PROJECTS.

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WHAT IS OLD IS NEW. RAIL AND WATER WERE THE EXACT METHODS WHICH HISTORICALLY BROUGHT MATERIALS OUR WATERFRONT CITY, IN THE PAST. CAN WE USE THESE LESS CONGESTED RIGHT OF WAYS AGAIN? THERE WOULD NEED TO BE EXTENSIVE COORDINATION WITH NJT, HBLR, UNION DRYDOCK, THE PA OR OTHERS TO MAKE SOME OF THESE POSSIBILITIES WORK.

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THERE MAY EVEN BE ECONOMIC ADVANTAGES TO THIS FOR CONTRACTORS AS THE ARRIVAL AND REMOVAL OF THEIR CRITICAL MATERIAL WILL NOT BE AS CONTINGENT ON TRAFFIC TIE UPS AND AT BOTTLE NECKS AT OUR BORDER. CONSTRUCTION PROPOSAL CAN BE EXPECTED TO BE INFLATED BY CONTRACTORS SO AS TO PROTECT THEMSELVES FROM DELIVERY VARIABLES AND COSTS. "IT IS THE COST OF DOING BUSINESS IN HOBOKEN" AS WE ARE NOT DELIVERING TO AN EMPTY FIELD IN THE SUBURBS OFF AND INTERSTATE RAMP. SPENDING SOME TIME AND MONEY UP FRONT TO WORK ON WHAT HAVE NOT BEEN RECENTLY STANDARD CONSTRUCTION DELIVERY TECHNIQUES MAY HAVE GREAT BENEFITS.

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• *Heightened sensitivity to Cultural Resources, Noise Receptors, Schools, and Houses of Worship*

- It is critical that residents and businesses that may be affected by the alignment are engaged early and in a regular and frequent way through-in the design and implementation processes. For example, Washington Street is a valuable historic asset, our main thoroughfare, and the cultural engine of our City. On-going efforts to minimize impacts to historic properties as it relates to both short term and long term impacts of either small or large magnitude should be one of the projects highest priorities.

SHOULD THIS BE SAYING COMMERCIAL ENGINE NOT CULTURAL ENGINE?

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• *For DSD design and implementation, prioritize the projects with the lowest cost-highest magnitude of impact, in terms of water management as well as community engagement.*

- As the project stands, there is a recommendation to implement all the DSD elements of the plan, but there is not a hierarchy to define what should be priority investments. Additional planning and design work would enable prioritization of any future investments either by the NJDEP, City of Hoboken or North Hudson Sewerage Authority (NHSA). Because the DSD phase of this project will be phased over a period of time where the NHSA will also be completing and implementing the Long Term Control Plan, the recommendations made in the

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FEIS should be clear in prioritizing the highest value interventions. Working in partnership with the Hoboken Housing Authority on the aforementioned upgrades to the sewer system, the and-adjacent NJ Transit DSD site at the Housing Authority, and sites in proximity to schools and community facilities such as public buildings, cultural institutions, and houses of worship should be a high priority for implementation funding.

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MOST OF THE WORK IS WITHIN THE CITY OF HOBOKEN BUT THE NOTATION SHOULD BE MADE THAT WORK IS IN CONJUNCTION WITH THE ADJOINING CITY OF JERSEY CITY AND WEEHAWKEN (THIS IS NOT JUST HOBOKEN). ALL RELATED AGENCIES AND JURISDICTIONS WHICH ARE PART OF THE AREA WE ARE PROTECTING. TAKE NOTE THAT THERE ARE PORTIONS OF JERSEY CITY INSIDE OUR PROTECTED AREA WHICH I BELIEVE ARE SERVED BY THE JERSEY CITY SEWERAGE AUTHORITY.

- As part of the DSD strategy an outfall is proposed in Hoboken Cove. With the activation of Harborside Park it is absolutely critical that additional studies are performed to better understand identify the current water quality characteristics of the ies levels of the cove, including but not limited to pathogens and dissolved oxygen, and identify solutions to improve water quality. If a new outfall will reach the cove it is imperative that it either contributes to the overall improvement of water quality, or extends far enough into Hudson River that it does not impact water quality. Moreover, because of the activation of Harborside Park and expected use of the water here for increased recreation, this project should take a broader position or even expand the scope of investigation to encourage the North Hudson Sewerage Authority to extend existing outfalls further into the Hudson River in an effort to improve water quality in the cove.

WE NEED TO BE MINDFUL OF IMPENDING WORK BEING PLANNED FOR THE NEW HUDSON RAIL TUNNEL. THIS PROJECTS SEEMS TO FINALLY BE MOVING FORWARD AND HAVE FUNDING COMMITMENTS. THERE MAY BE SCHEDULE IMPACTS WITH THE LOGISTICS AND CONSTRUCTION OF OUR RBD WORK AT THE NORTH END OF HOBOKEN AND NEARBY WEEHAWKEN. THERE MAY ALSO BE POTENTIAL SYNERGIES IN COORDINATING DELIVERY OF SUPPLIES AND REMOVAL OF DEBRIS IN BULK THAT MIGHT BE WORKED OUT. WITH THE CURRENT PREFERRED ALIGNMENT, THE TUNNEL VENTILATION SHAFT IS PLANNED TO BE EXCAVATED AND BUILT IN A PORTION OF HOBOKEN IN "THE SHADES" NORTH OF THE HBLR. OTHER ALIGNMENTS PUT THIS VERTICAL SHAFT ELSEWHERE IN NEARBY WEEHAWKEN INSIDE OUR RBD STUDY ZONE. MOST CASES THE TUNNEL WILL RUN BELOW OR NEARBY BELOW THE COVE..

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Provide clearer construction estimates as well as operations and maintenance (O&M) costs

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THE O&M PLAN AND MANUAL FOR ALL RESIST, DELAY, STORE AND DISCHARGE STRUCTURES IS CRITICAL. OUR EFFORTS NOW ARE FOR NAUGHT IF WHEN THE TIMES COMES SYSTEMS DON'T FUNCTION. MANPOWER, KNOWLEDGE OR FINANCES ARE NOT THERE. PROPOSALS AS TO WHO OPERATES AND MAINTAINS GATES, WHAT HAPPENS AND WHO DETERMINES WHEN THEY ARE USED. TRAINING EXCERCISES. ETC.. ALL SHOULD BE REVIEWED AND PROPOSED EARLY IN THE NEXT SET OF CONTRACTS. WHAT WILL THE CITY OF HOBOKEN/ WEEHAWKEN/ JERSEY CITY'S BE DIRECTLY RESPONSIBLE FOR? HOW ARE EMERGENCY SERVICES INVOLVED? NJDEP? HUDSON COUNTY? THE PA? NJT? WHAT IS NHSA RESPONISILBE FOR? DO WE HIRE OUTSIDE CONTRACTORS? WHO TAKES THE LEAD? WHO MAKES DECISIONS? WHEN DOES THE 15TH STREET GATE CLOSE? 14TH? IMPACTS ETC.. WHO PAYS? WHO MAINTAINS? WHO CALL THE SHOTS? WHAT TYPE OF DRILLS DO WE HAVE? WHAT DOES THE PUBLIC NEED TO KNOW? IMPACTS ON BUSES, EMERGENCY SERVICES ETC...

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- The project team should provide construction/O&M estimates at each design milestone (30%, 60%, 90%) so that any deficiencies or excess of funds are identified as early as possible.

• *Re-affirm original design team assumptions and modeling*

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- Subsurface investigation should be prioritized and expedited to understand if there are pre-existing conditions that limit the scope of foundation work for the proposed alignment.
- The design team should verify or corroborate the displacement models generated by Dewberry. incorporate additional and or new information from the design contractor (who might also be Dewberry) as well as continue to incorporate new information from FEMA and other federal agencies. T-and-also-re-test-the effectiveness of the proposed alignment and configuration should be tested again in a simulated environment and an animation of the results made available to the public on the NJDEP website, as has been done with other animations.

We are grateful for your consideration of the foregoing comments. If you have any questions or require additional information, please do not hesitate to contact us.

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Very truly yours,



July 12, 2017

To Whom It May Concern:

I am writing to express my unequivocal support for the Rebuild by Design Hudson River project and provide comments on the Final Environmental Impact Statement. As an urban coastal community, Hoboken faces increasing risk and threats from severe weather events. Rising seas and stronger storms make us particularly vulnerable to catastrophic coastal flooding, and the "Resist" element of the RBD Hudson River project is key to protecting our residents, critical facilities, businesses, and future development in our City.

As the "Resist" component of the plan is fully designed, there must be a strong emphasis on innovative design to ensure that the project integrates with and complements our urban fabric. In addition to providing physical protection for the community, the project should be designed in a way that provides valuable co-benefits in the form of amenities, rather than detracting from our urban environment. Again, this critical Resist protection part of the \$230 million Rebuild by Design project will not only protect the community from the devastating effects of another severe storm, but also prevent damage, as in the estimated \$1 billion in damages to properties, critical facilities, and business loss that resulted from Superstorm Sandy.

In addition, Hoboken has faced more frequent and severe flash flooding due to stronger storms, combined with sea level rise which impairs the natural drainage of our City. While the City has invested in infrastructure including a second flood pump and resiliency parks to address these threats, I request that any additional funds from the project go towards supporting these "Delay", "Store", and "Discharge" elements of the plan. In particular, I believe that additional funds should be provided for the NJ Transit site to create another resiliency park that will help protect our most vulnerable residents in the Hoboken Housing Authority. Possible additional funds should also be used to assist with the construction of the Northwest Resiliency Park that will help protect against flash flooding for residents and further protect critical assets such as North Hudson Sewerage Authority's sewage treatment plant.

As the process proceeds, it is important that the project meets federal requirements for design so that it not only reduces our risk from flooding, but also protects from rising insurance costs. In addition, my experience with this project has demonstrated the value of community involvement, and I urge the RBD team to ensure that there is a robust communications, education, and outreach process as the project progresses into design and construction.

Thank you for your consideration.

Sincerely,

Dawn Zimmer
Mayor



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NY 10007-1866

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ENGINEERING
FLOOD

JUL 14 2017

Dennis Reinknecht
Program Manager
New Jersey Department of Environmental Protection (NJDEP)
Bureau of Flood Resilience
501 East State Street, Mail Code 501-01A
P.O. Box 420
Trenton, NJ 08625-0420

Dear Mr. Reinknecht:

In accordance with the National Environmental Policy Act (NEPA), Section 309 of the Clean Air Act, and the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR 1500-1508), the U.S. Environmental Protection Agency (EPA) has reviewed the Final Environmental Impact Statement (FEIS) for the Rebuild by Design Hudson River: Resist, Delay, Store, Discharge project (CEQ No. 20170101). The document was prepared by the New Jersey Department of Environmental Protection (NJDEP) on behalf of the U.S. Department of Housing and Urban Development (HUD) responsible entity which in this case is the New Jersey Department of Community Affairs. Cooperating agencies for the project included the Port Authority of New York and New Jersey and NJ TRANSIT, as well as the U.S. Environmental Protection Agency Region 2 office.

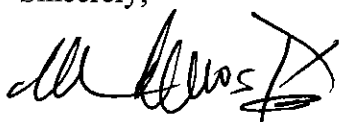
The proposed project consists of a four-part strategy for flood risk reduction, which includes: 1) hard infrastructure and soft landscape for coastal defense (Resist); 2) policy recommendations, guidelines and urban infrastructure to slow storm water runoff (Delay); 3) green and/or grey infrastructure improvements to allow for greater storage or excess rainwater (Store); and 4) water pumps and alternative routes to support drainage (Discharge). The first phase of the project, for which the \$230 million HUD funds will be used, includes the development of the plan for the full strategy as well as the construction of the Resist features which include hard and soft landscaping for coastal defense.

EPA attended scoping meetings and community meetings, and provided comments on preliminary draft chapters. Our comment letter on the Draft Environmental Impact Statement was submitted on April 7, 2017 with a rating of EC-2 (Environmental Concerns – Insufficient Information). On April 27, 2017, EPA participated in a conference call with NJDEP and HUD to discuss the comments on the DEIS.

The NJDEP has addressed EPA's primary issues on the DEIS. We thank you for the April 27 conference call, which allowed us to discuss our concerns in greater detail. Further, EPA appreciates your June 14, 2017 letter which detailed the concerns EPA raised and how they were addressed in the FEIS. EPA acknowledges that the FEIS better characterizes the indirect effects and cumulative impacts of the project. Additionally, the information that was enhanced under the topics of air quality, children's health and environmental justice results a more comprehensive evaluation of the potential impacts from the project.

Thank you for the opportunity to comment on the FEIS for the Rebuild by Design Hudson River: Resist, Delay, Store, Discharge project. If you have any questions regarding this review, please contact Stephanie Lamster of my staff at (212) 637-3465 or at lamster.stephanie@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Judy-Ann Mitchell".

for Judy-Ann Mitchell, Chief
Sustainability and Multimedia Programs Branch

cc: Donna Mahon, HUD

