

**U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL TRANSIT ADMINISTRATION**

**FINDING OF NO SIGNIFICANT IMPACT**

**Project:**                    **Long Slip Fill and Rail Enhancement Project**  
  (aka "NJ TRANSIT Hoboken Long Slip Protection" Project (Funding ID 02013-RESL-007))

**Applicant:**                **New Jersey Transit Corporation**

**Project Location:**      **Jersey City, Hudson County, New Jersey**

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## **1.0 INTRODUCTION**

New Jersey Transit Corporation (NJ TRANSIT) proposes to construct the *Long Slip Fill and Rail Enhancement Project* (the proposed Project), which includes filling of the Long Slip Canal, a former freight barge channel, located entirely within NJ TRANSIT's Hoboken Yard in Jersey City, Hudson County, New Jersey above the best available flood elevation and the construction of six new elevated tracks, passenger platforms, a passenger station/crew facility structure on top of the filled canal. The proposed Project also includes a walkway extension to existing Hoboken Terminal facilities, and new track extensions connecting to the existing track. The Federal Transit Administration (FTA) selected the proposed project for funding as "NJ TRANSIT Hoboken Long Slip Protection" (Funding ID D2013-RESL-007) as a Section 5324 Emergency Relief Resilience Project in Response to Hurricane Sandy on November 5, 2014 (see Table 1, Federal Register Vol.79, No. 214, p. 65764) following a competitive evaluation process.

The FTA and NJ TRANSIT prepared the *Long Slip Fill and Rail Enhancement Project Supplemental Environmental Assessment* dated June 2016 (the Supplemental EA), in compliance with the National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 et seq.) and FTA's NEPA implementing regulations (23 CFR Part 771). The Supplemental EA evaluated the proposed Current Project (the Project) as modified from an earlier version of the proposed project (referred to as the "Original Project" in the Supplemental EA). FTA performed an EA and issued a FONSI for the Original Project on June 22, 2000. Due to financial constraints, some elements of the Original Project including the filling of the Long Slip canal were not implemented.

Pursuant to Section 106 of the National Historic Preservation Act (Section 106), as amended, the FTA, NJ TRANSIT, the US Army Corps of Engineers (USACE) and the New Jersey State Historic Preservation Officer (NJ SHPO) signed a Memorandum of Agreement (MOA) with other consulting parties for the Original Project in 1999. The required mitigation of adverse effects to the National Register of Historic Places (NR)-eligible Old Main Delaware Lackawanna & Western Railroad (DL&WRR) Historic District (SHPO Opinion: 9/24/1996) under the 1999 MOA was subsequently completed. A new analysis of historic resources was prepared in 2015 in accordance with Section 106 for the current Project. The 2015 analysis added the Pullman Yard Concrete Bumpers as a contributing resource to the Old Main DL&WRR Historic District. The current Project could require removal of at least one and up to three of the four Pullman Yard Concrete Bumpers; however, no adverse effect will occur to this resource if certain conditions are implemented as part of the proposed Project. FTA issued a draft Section 4(f) *De Minimis* determination on January 20, 2016 pursuant to Section (f) of the Department of Transportation Act of 1966, codified at 49 U.S.C. § 303, and it is included in the Supplemental EA Appendix A.

A public comment period on the Supplemental EA/draft Section 4(f) *De Minimis* Finding was provided between June 24, 2016 and July 27, 2016. Two public comments and two agency comments were received. The comments and FTA responses are attached to this FONSI. FTA finds in accordance with 23 CFR Part 771.121, that the proposed Project with mitigation measures described in the Supplemental EA/draft Section 4(f) *De Minimis* Finding will result in a Finding of No Significant Impact (FONSI) on the environment.

## **Project Purpose and Need**

The Hoboken rail yard and adjacent areas of the Terminal were inundated by floodwaters during Hurricane Sandy in October 2012, impeding daily operations at the multi-modal, regionally significant transportation hub. The Long Slip Canal was a major point of flood water entry into the Hoboken Terminal rail yard. The proposed Project's purpose is to enhance the resilience of NJ TRANSIT's commuter rail service at Hoboken Terminal to severe weather events such as Hurricane Sandy, and other flood conditions. The filled canal and new elevated track and passenger facilities will be used during weather-related emergencies to maintain limited service while passenger rail service elsewhere in Hoboken Terminal is suspended for pre-flood preparations and post-flood recovery. The new elevated track and passenger facilities will also supplement rerouted trains when there are service disruptions at Secaucus Junction or in the Hudson River Tunnels. In addition, the proposed Project will reduce the frequency of conflicts that is caused by having only one set of throat tracks (tracks that connect the yard to the main rail line) into and out of Hoboken Terminal.

## **Project Description**

The Supplemental EA evaluated a No Build and Build Alternative. The Build Alternative consists of the following elements:

- Extension of the Jersey City Combined Sewer Overflow (CSO) discharge point by approximately 1800 feet. A cofferdam will be constructed via sheet piling to isolate the Long Slip Canal's construction activities from the Hudson River to protect the resources of the Hudson River. In addition, two eight-inch pipes, which discharge drainage water from the PATH tunnels via sump pumps, run through the southern bulkhead wall approximately 850 feet from the west end of the Canal. These pipes will be extended and the discharge outfalls will be relocated to the new bulkhead at the east end that will seal off Long Slip from the Hudson River.
- Filling in Long Slip Canal, covering an area of 4.3 acres to a peak elevation of 12 feet [measurement based on North American Vertical Datum of 1988 (NAV88)], so that the top of new rail will be at 14.5 feet, meeting NJ TRANSIT's Flood Elevation Design Criteria of at least 2.5 feet above Best Available Flood Elevation (BFE). The volume of permanent fill will be approximately 190,000 cubic yards. The fill will serve to permanently stabilize the existing bulkheads that line the canal and are currently in disrepair. An additional 50,000 cubic yards of fill will be used temporarily as a surcharge load, to compact the soils placed in Long Slip Canal to meet structural requirements.
- Construction of a new two-track bridge over Marin Boulevard to support track connections to existing Track 199 and Track 4 Main at the approach to the Bergen Tunnels. The alignment requires truncation of four tracks in Pullman Yard and could require removal of up to three of the four Pullman Yard Concrete Bumpers. Relocations and/or reconfiguration of other tracks, equipment and sheds at the western approach will also be required.
- Construction of six new tracks with associated catenary supports and wiring, and three high-level ADA compliant passenger boarding platforms. A three-story station/crew facility (approximately 120 feet long x 90 feet wide x 40 feet high based on a preliminary design) will be built at the eastern end of the platforms. Stairs, elevators, waiting room space and other passenger amenities, as well as space for transportation and mechanical personnel will be constructed in the facility. A connecting sidewalk linking the new facility and the existing terminal entrance will also be constructed.

## 2.0 PUBLIC OPPORTUNITY TO COMMENT AND AGENCY COORDINATION

NJ TRANSIT published a Notice of Availability for the Supplemental EA/draft Section 4(f) *De Minimis* Finding in the Jersey Journal on June 25, 2016, in the Hudson Reporter, Hoboken and Jersey City editions, on June 26, 2016 and in the Spanish language El Especialito Weekly Newsletter for 24-30 June 2016. NJ TRANSIT made the Supplemental EA and draft Section 4(f) *De Minimis* finding available on-line at <http://njtransitresilienceprogram.com/documents/> and solicited comments on the Supplemental EA /draft Section 4(f) *De Minimis* Finding between 24 June 2016 and 27 July 2016. NJ TRANSIT and FTA received two comments from the general public and one written comment from the New Jersey Department of Environmental Protection. Prior to publication, NJ TRANSIT and FTA sought and received comments on the Supplemental EA/draft Section 4(f) *De Minimis* Finding from several state and federal agencies, including written comments from the US Environmental Protection Agency (EPA), which were addressed in the published Supplemental EA (Appendix C). A summary of public and agency comments not included in the Supplemental EA with FTA responses are attached to this FONSI.

## 3.0 SUMMARY OF ANALYSIS OF NEPA IMPACT AREAS, MITIGATION MEASURES AND PERMITS

The Supplemental EA was prepared in compliance with NEPA, and with the Joint Environmental Impact and Related Procedures Rule (23 CFR 771) and FTA guidelines for preparing EAs. The following sections summarize proposed Project impacts, required mitigation and necessary permits for the Project.

**Wetlands:** The proposed Project will result in elimination of approximately 4.3 acres of sub tidal wetlands due to filling in Long Slip Canal. This will require the following permits and approvals:

- USACE Section 10/404 Individual Permit;
- NJDEP Waterfront Development Upland and In-Water Individual Permit; and
- Compensatory Mitigation (coordinated with USACE and subject to review by NJDEP).

The USACE and NJDEP require mitigation for any permanent fill activities proposed below the mean high water line of the Hudson River. As such, NJ TRANSIT is proposing to purchase wetland mitigation credits at a ratio of 1:1 through an approved wetland mitigation bank. If wetlands mitigation credits are not available, NJ TRANSIT will be required to comply with all NJDEP and USACE wetlands requirements, including any alternative mitigation measures deemed necessary by permitting authorities.

In addition, during construction of the PATH tunnel discharge pipe and CSO extensions, NJ TRANSIT will work with NJDEP, Jersey City Municipal Utilities Authority, and PATH managers to ensure that the combined sewer overflow and PATH discharge meets all permit requirements.

FTA concludes that with compliance with the above mitigation measures, the Project will not have significant adverse effects on wetland resources.

**Floodplains:** The proposed Project is located within the 100-year floodplain of the Hudson River, as identified by FEMA, with elevations ranging from 10 feet to 12 feet within designated AE and VE zones. As such, the proposed Project will be designed to comply with the Flood Hazard Control Act Rules (N.J.A.C. 7:13) and compliance with these rules will be demonstrated as part of the Waterfront Development permit application to be submitted to the NJDEP in accordance with N.J.A.C. 7:7. Additionally, the NJDEP FHA Rules will require a 2:1 compensation for the proposed vegetative riparian area clearance under N.J.A.C. 7:13-11.2.

FTA concludes that with compliance with the above rules and regulations, there will be no significant adverse impacts as defined by USDOT Order 5650.2.

**Section 106 Historic and Architectural Resources:** Based on consultation with the NJ SHPO (see correspondence dated October 9, 2015, signed by NJ SHPO on October 21, 2015, in Appendix A of the Supplemental EA), after reviewing the potential effects of the proposed Project, which may include demolition of three of the four Pullman Yard Concrete Bumpers, and construction within a historic district, the proposed Project will result in no adverse effect if certain conditions are implemented as part of the proposed Project. The conditions, which NJ TRANSIT commits to fulfill, are:

- Retention in place of one of the four Concrete Bumpers;
- Photo documentation of the Concrete Bumpers in place prior to removal of the three blocks;
- A narrative description and statement of significance for the blocks;
- A letter report on the Concrete Bumpers for the NJ SHPO resource files; and
- The exterior of all new structures (retaining walls, station structures, facades, bridge structures) will utilize a context-sensitive design treatment consistent with the character-defining features of the Old Main DL&WRR Historic District and design submittals will be made to the NJ SHPO for review and concurrence.

FTA concludes that with fulfillment of the above mitigation measures, the Project will not have significant adverse impact on Historic and Architectural resources.

**Section 106 Archaeological Resources:**

Based on consultation with Native American Tribes with historic ties to the region, and the response from the Delaware Tribe Historic Preservation Representative (see correspondence dated May 22, 2015, in Appendix A of the Supplemental EA), there are no known religious or cultural tribal sites in the proposed Project area. However, in the event of unanticipated discovery and disturbance of human remains or archaeological resources during construction, NJ TRANSIT will fulfill the following:

- If human skeletal remains are encountered anywhere on the Project site, NJ Transit will cease construction and consult with the NJ SHPO, the FTA, and appropriate legal officials over the applicability and implementation of relevant procedures under the Native American Graves Protection and Repatriation Act (NAGPRA) of 1990 25 U.S.C. § 3001 and its implementing regulations at 43 CFR Part 10. FTA will notify Tribal representatives of the discovery. All human skeletal remains will also be treated in accordance with the current guidelines of the NJ SHPO, and with the applicable provisions of the New Jersey Cemetery Act, 2003. Construction activities in the immediate vicinity of any discovered human remains or burial sites will not resume until such time as the significance and disposition of said discoveries can be determined.
- All unanticipated historic and/or prehistoric archaeological discoveries resulting from Project activities made anywhere on the Project site will be treated in accordance with the procedures outlined in 36 CFR and 36 CFR 800.13. In the event that unanticipated discoveries of cultural Native American archaeological resources are made during execution of the Project, NJ TRANSIT will cease construction, NJ Transit will notify FTA, and FTA will notify Tribal representatives of the discovery. Construction will not resume within 50 feet of the discovery until such time as the significance and disposition of said discoveries can be determined.

FTA concludes that with fulfillment of the above mitigation measures, the Project will not have significant adverse impact on Archaeological resources.

**Construction Impacts:** To mitigate the potential effects of construction activities, best practices will be implemented and monitored in the field and construction activities will comply with all applicable laws, regulations and permit conditions, as follows:

- The construction specifications and documents will address the management of contaminated materials and include a Materials Management Plan as required by: the NJDEP Linear Construction Technical Guidance document dated January 2012; a specification for a Site-Specific Health and Safety Plan and Site-Specific Work Plan that applies specific work activities; and testing of excavated soil as needed prior to disposal at a NJTRANSIT approved facility.
- Construction noise and vibration will be minimized via restricting impact pile driving to the hours of 7 AM and 10 PM; compliance with the local noise and vibration ordinances of Jersey City, NJ and state and federal requirements; and adherence to seasonal restrictions recommended by the National Marine Fisheries to minimize in-water noise impacts on aquatic life.
- Air quality emissions, including dust and greenhouse gas emissions, will be kept to a minimum via : use of biodiesel or ultra-low sulfur fuel to power construction equipment; limiting idling times on diesel powered engines, meeting EPA Tier 4 engine emissions standards for non-road diesel equipment greater than 100 horsepower or implementing emissions controls or implementing emissions controls and compliance with USEPA AP 42 Compilation of Air Pollutant Emission Factors, specifically Section 13.2.3 -Heavy Construction Operations.
- Implementing dust control measures modified as necessary to adjust daily for changing wind conditions in accordance with Best Management Practices.
- Acquisition and adherence to the permit conditions of the following permits: NJDEP Beneficial Use Determination/Acceptable Use Determination; and Hudson Essex Passaic Soil Erosion Sediment Control Certification; and New Jersey Pollution Discharge Elimination System (NJPDES) permit for stormwater management.

FTA concludes that with the above measures and the air quality mitigation measures specified in a letter by the New Jersey Department of Environmental Protection (NJDEP) dated July 27, 2016, see "Summary of Public Comment on the Supplemental EA" (attached), the proposed Project will not result in significant construction impacts.

**Environmental Justice:** The study area for environmental justice encompasses census tracts within a 1/4 mile radius of Long Slip Canal, which is the area most likely to be affected by the operation and construction of the proposed Current Project, including the increase in construction-related truck traffic.

The residential properties in the block bounded by Jersey Avenue to the west, 16th Street to the north, the I-78 collector roadway to the south and Marin Boulevard to the east include minority and low-income populations. Hudson County Holland Gardens, a Jersey City Housing Authority public housing complex consisting of 189 dwellings, is located within this block. While these residences are located approximately 1/4 mile or more away from Long Slip Canal, the truck routes pass by this Environmental Justice community.


With the exception of a temporary increase in truck traffic, neither the proposed Current Project's construction nor operation will be noticeable to the residents in Census Tract 78. Approximately four trucks per hour will operate in the area between the hours of 6 AM and 10 PM over a two year construction period. Noise levels at the residential properties on the truck routes are not expected to increase significantly due to the high volume of truck traffic that currently operates on the adjacent roadways.

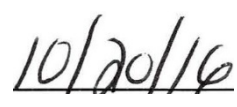
Section 4.11 of the Supplemental EA includes an Environmental Justice analysis and a summary of the NJ TRANSIT outreach to EJ communities potentially affected by the proposed Project.

FTA finds that the Project will not result in a disproportionately high and adverse impact to the Environmental Justice communities in the study area since no significant adverse impacts are expected to occur. The adjacent communities will benefit from the more resilient train service that will result from implementation of the Project.

**4.0 FTA NATIONAL ENVIRONMENTAL POLICY ACT FINDING**


FTA has reviewed the Supplemental EA for the *Long Slip Fill and Rail Enhancement* project dated June 2016, and finds pursuant to 23 CFR 771.121 that the proposed Project, with the mitigation measures committed to by NJ TRANSIT specified in the Supplemental EA and summarized in this FONSI, will have no significant impact on the environment.


  
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Henrika Buchanan  
Acting Regional Administrator, Region II  
Federal Transit Administration

  
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Date

**5.0 FTA SECTION 4(F) OF THE DOT ACT OF 1966 De Minimis Determination**

The proposed Project will require "use" of Section 4(f) property since it may require removal of at least one and up to three of the four Pullman Yard Concrete Bumpers. In accordance with 23 CFR 774.5, in a letter dated January 20, 2016, FTA notified the State of New Jersey Historic Preservation Office of its intent to make a Section 4(f) de minimis impact determination based on their concurrence in the finding of "no adverse effect" to the historic properties (HPO-J2015-228, dated October 21, 2015), subject to the mitigation measures to be completed by NJ TRANSIT as specified in the finding and included in Supplemental EA Appendix A. Therefore, pursuant to 23 CFR 774.3(b), FTA finds that the use of the property will have a de minimis impact on the Section 4(f) property.

  
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Henrika Buchanan  
Acting Regional Administrator, Region II  
Federal Transit Administration

  
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Date

## Summary of Public and Review Agency Comments on the Supplemental EA

During the Public Comment Period on the Supplemental EA/draft Section 4(f) *De Minimis* Finding, NJ TRANSIT received the following written comments.

**Comment:** The writer reviewed the Supplemental EA/draft Section 4(f) *De Minimis* Finding and seeks an estimate of when the project would be advertised for construction.

- **FTA Response:** The comment was not substantive to the Supplement EA/draft Section 4(f) *De Minimis* finding, therefore NJ TRANSIT responded to the commenter directly. NJ TRANSIT will advertise construction as required by applicable federal, state, and local requirements.

**Comment:** The writer recommends amending the Supplemental EA/draft Section 4(f) *De Minimis* Finding to include Combined Sewer Overflow (CSO) loads (beyond the project area).

- **FTA Response:** The project includes extension of the Jersey City CSO discharge point, which currently terminates at the west end of the Long Slip canal, by approximately 1,800 feet. The CSO extension will not change the quality or quantity of discharge from the existing outfall. Addressing additional stormwater management/water quality issues is beyond the scope of this project and not within NJ TRANSIT'S jurisdiction. The Current Project's scope is limited to the extension of Jersey City CSO.

**Comment:** In an email dated June 6, 2016, the US EPA requested confirmation that NJ TRANSIT had completed a general air quality conformity applicability analysis for the construction phase of the project and inquired about NJ TRANSIT's enforcement of air quality control measures during construction.

- **FTA Response:** NJ TRANSIT's construction air quality analysis was completed and included as Appendix D of the SUPPLEMENTAL EA released for public comment. The results indicated construction air quality impacts below thresholds requiring general conformity analysis. NJ TRANSIT will enforce air quality control measures as specified in NJ DEP permits as summarized in the Supplemental EA and FONSI. (The proposed project was determined to result in no significant change to transportation emissions and therefore qualified for exemption under transportation conformity analysis requirements).

**Comment:** In a letter to NJ TRANSIT dated July 27, 2016, the New Jersey Department of Environmental Protection (NJDEP) provided guidance and comments on regulated actions under the proposed Current Project. The letter: 1) specified permit activities related to Land Use Regulations and recommended a pre-application meeting, 2) indicated that no additional tidelands issues or actions are identified, 3) concurs with seasonal restrictive and protective measures to avoid impacts to aquatic species, 4) re-affirmed its concurrence with the findings and mitigations related to Section 106 resources, and 5) listed measures to minimize the impact of diesel exhaust during construction.

- **FTA Response:** FTA appreciates the thoroughness of NJDEP's letter in itemizing the various regulatory actions under NJDEP jurisdiction. NJT has coordinated closely with NJDEP during the preparation of the Supplemental Environmental Assessment (Supplemental EA) and Section 106 consultation process and will continue to coordinate through all permitting processes and other regulatory actions.

During the development of the Supplemental EA and NJT met multiple times with staff from NJDEP Land Use, Remediation, Wetland Mitigation and Treatment Works Approval units, and met with the United States Army Corps of Engineers (USACE), given the Corps' permitting responsibilities. All items identified in NJDEP's letter have been or will be addressed during the permitting process and implementation of the proposed Current Project. Permits and approvals are listed in Section 4.13 of the Supplemental EA. Regarding aquatic species, if any fish are entrapped in the Long Slip canal during construction, appropriate measures will be taken to relocate them to the Hudson River. Regarding Section 106 resources, in a letter dated October 21, 2015, NJDEP concurred that with the conditions specified in Section 4.9 of the Supplemental EA, the current Proposed Project will result in No Adverse Effect to listed and eligible historic resources. Measures related to air quality are listed in Section 4.10.2 of the Supplemental EA.