

## **APPENDIX C**



State of New Jersey

Department of Environmental Protection

James E. McGreevey  
Governor

Bradley M. Campbell  
Commissioner

Office of Coastal Planning & Program Coordination

PO Box 418

Trenton, NJ 08625-0418

Phone 609-292-2662

Fax 609-292-4608

lschmidt@dep.state.nj.us

May 13, 2002

Nicholas Caiazza  
Division of Project Management  
New Jersey Department of Transportation  
PO Box 600  
Trenton, NJ 08625-0600

PROJECT MANAGEMENT  
RECEIVED

MAY 16 2002

Lourdes Castaneda  
Federal Highway Administration  
840 Bear Tavern Road, Suite 310  
West Trenton, NJ 08628

RE: **Preliminary Final Environmental Impact Statement Comments  
Route 52 (1) Causeway  
Somers Point, Atlantic County to Ocean City, Cape May County**

Dear Mr. Caiazza and Ms. Castaneda:

The Office of Coastal Planning and Program Coordination of the New Jersey Department of Environmental Protection (NJDEP) has completed its review of the Preliminary Final Environmental Impact Statement (PFEIS). We offer the following comments for your consideration regarding natural resources, cultural resources, the Green Acres Program, and engineering and construction.

**NATURAL RESOURCES**

The NJDEP's Division of Fish and Wildlife (DFW) continues to support the preferred alternative of the PFEIS, Alternative 9 with Option 1. However, concerns remain regarding the development of a complete recreational fishing access plan that is acceptable to the DFW, that is, one which maintains and improves upon existing use. As indicated in the first correspondence found in Appendix C (2/7/02 Memorandum), there are a number of unresolved issues with regard to angler access. This correspondence notes that some additional items were agreed to and that others are under consideration and will be decided upon in the Final Design Phases of the project.

Priority issues in this correspondence include:

- angling off the bridges over Rainbow Channel and Elbow Thorofare;
- adding bump-outs for anglers use over these channels;
- maintaining underwater old-pier structure for habitat/cover (remnants of existing causeway, see page III-46); and
- pursuing angler access on both sides of the causeway over Rainbow Channel.

Except for old-pier structure, the DFW notes that the PFEIS does not refer to or acknowledge the existence of additional gains or future endeavors. In fact, the Table on page V-7 actually indicates that some of these issues (#6, #9 & #10) have been dismissed. Any commitments toward furthering angler access are also absent in the text.

Therefore, the DFW notes that the Final EIS needs to refer to this correspondence and provide some assurances toward the most viable issues. The Table on page V-7 should be corrected accordingly.

## **CULTURAL RESOURCES**

Pursuant to Section 106 of the National Historic Preservation Act (NHPA), the Federal Highway Administration (FHWA), the New Jersey Department of Transportation (NJDOT), and the NJDEP's Historic Preservation Office (HPO) have executed on January 24, 2002 a Memorandum of Agreement (MOA) for the project.

Since the Route 52, Section 1 Reconstruction project will have an adverse effect on the Bayfront Historic District, listed on the New Jersey Register of Historic Places (NJRHP), the HPO is anticipating the submission of an Application for Project Authorization under the New Jersey Register of Historic Places Act from NJDOT.

The HPO has no additional comments on the PFEIS which have not been resolved in the MOA.

## **GREEN ACRES PROGRAM**

The NJDEP's Green Acres Program's review of the PFEIS notes that parklands (in this case the islands) that are needed for new right of way and wetland mitigation is considered a diversion of use that requires compensation. Replacement land is required that would become part of Ocean City's Recreation and Open Space Inventory. A recreation walkway that spans the length of the bridge is encouraged as well as public fishing access made available to all islands.

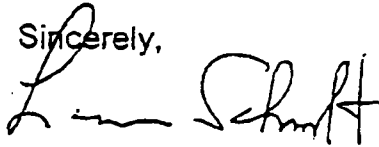
The project will require a diversion application to be submitted to the Green Acres Program by Ocean City. The application for diversion must be approved by the Commission of the NJDEP and the State House Commission.

### ENGINEERING AND CONSTRUCTION

The NJDEP's Division of Engineering and Construction has reviewed PFEIS and has no additional comments. Please note that the preferred alternative will require NJDOT to relocate the existing navigational channels to a new location. These locations may need additional dredging to accommodate the existing natural navigational channels in the area.

Thank you for the opportunity to review the PFEIS.

Sincerely,



Lawrence Schmidt  
Director  
Office of Coastal Planning  
& Program Coordination

C: Robert McDowell, NJDEP  
Dorothy Guzzo, NJDEP  
David Smith, NJDEP  
Bernard J. Moore, NJDEP



State of New Jersey

Department of Environmental Protection

Division of Parks & Forestry, Historic Preservation Office  
PO Box 404, Trenton, NJ 08625  
TEL: (609) 292-2023 FAX: (609) 984-0578  
www.state.nj.us/dcp/hpo

Bradley M. Campbell  
Commissioner

James E. McGreevey  
Governor

PROJECT MANAGEMENT  
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MAY 13 2002

May 8, 2002

MEMORANDUM

To: Lawrence Schmidt, Director  
Office of Coastal Planning and Program Coordination

From: Dorothy P. Guzzo  
Deputy State Historic Preservation Officer *D. Guzzo*

RE: Route 52 (1) Causeway  
Somers Point (Atlantic County) & Ocean City (Cape May County)  
Preliminary Final EIS

This memorandum is in response to your cover letter dated April 9, 2002, with Preliminary Final Environmental Impact Statement (PFEIS), Section 4F Evaluation attached, received at this office April 11, 2002.

Pursuant to Section 106 of the National Historic Preservation Act (NHPA), the Federal Highway Administration (FHWA), New Jersey Department of Transportation (NJDOT), and Historic Preservation Office (HPO) have executed on January 24, 2002 a Memorandum of Agreement (MOA) for the Route 52 (1) Causeway Project. (Please see attached.)

Since Route 52, Section 1 Reconstruction project will have an adverse effect on the Bayfront Historic District, listed on the New Jersey Register of Historic Places (NJRHP) the HPO is anticipating the submission of an Application For Project Authorization Under The New Jersey Register Of Historic Places Act from NJDOT.

The HPO has no additional comments to the PFEIS which have not been resolved in the MOA.

DPG/seh

C:\My Documents\Memos\2002\HPO-E2002-092PROD Rt. 52.doc

c. Andras Fekete, NJDOT

Nick Caiazza, NJDOT

January 23, 2002

Log #01-2286  
HPO-A2002-185

PROD

**Memorandum of Agreement  
Among the Federal Highway Administration, the New Jersey Department of  
Transportation and the New Jersey Historic Preservation Office  
Regarding the Reconstruction of Route 52, Section 1;  
City of Somers Point, Atlantic County and Ocean City, Cape May County  
New Jersey**

**WHEREAS**, the New Jersey Department of Transportation (NJDOT) proposes to replace the Route 52 Causeway that carries the highway over the Ship Channel and Rainbow Channel and connects Somers Point in Atlantic County with Ocean City in Cape May County, New Jersey with a higher level structure, using funds provided by the Federal Highway Administration (FHWA); and

**WHEREAS**, the said reconstruction will be on a different alignment and will require acquisition of additional Right of Way for bridge construction, slope and drainage easements; and

**WHEREAS**, FHWA has consulted with the New Jersey State Historic Preservation Officer (SHPO) and local governments pursuant to 36 CFR Part 800 regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) in order to determine the Area of Potential Effects (APE), and to identify and assess the effects of the project on historic properties either listed on or eligible for inclusion on the National Register of Historic Places (Register); and

**WHEREAS**, FHWA has determined that the Route 52, Section 1 Reconstruction Project will have an adverse effect through demolition on the Route 52 Bridge over the Ship Channel (Structure #0511-153), which is a property eligible for listing on the Register; and

**WHEREAS**, FHWA has determined that the Rt. 52, Section 1 Reconstruction Project will have an adverse effect on the Bayfront Historic District, which is a district listed on the Register, by introducing new elements into the district viewshed; and

**WHEREAS**, FHWA has determined that the Rt. 52, Section 1 Reconstruction Project will have an adverse effect on the Dockside Café/Marina, which is a property eligible for listing on the Register, by introducing new elements into the property's viewshed; and

**WHEREAS**, FHWA and NJDOT have unsuccessfully marketed the Route 52 Bridge over the Ship Channel, and have also found that the bridge is of insufficient condition to re-use at another NJDOT location; and

WHEREAS, the FHWA, the NJDOT, and the SHPO have developed a plan to mitigate the adverse effects of the proposed construction project; and

WHEREAS, the Advisory Council on Historic Preservation (Council) has been notified of the Adverse Effect finding, and has declined to participate in the Section 106 consultation process; and

WHEREAS, the NJDOT participated in the consultation and has been invited to concur in this Memorandum of Agreement;

NOW, THEREFORE the FHWA, the New Jersey SHPO, and NJDOT agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effects of the proposed undertaking on historic properties.

### Stipulations

The Federal Highway Administration will ensure that the following measures are carried out:

1. Prior to demolition of any elements of the Route 52 Bridge over the Ship Channel, the NJDOT, using the services of a qualified consultant, will document the bridge to Historic American Engineering Record (HAER) Standards, Level II as defined in *Archaeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines* (48 FR 44715-44742), and as specifically detailed in *Guide to Written Reports for the Historic American Engineering Record*, pp. 10 - 11, or as otherwise directed by the National Park Service. The FHWA shall ensure that all documentation is completed prior to the obscuring or demolition of any elements of the structure, and that copies of this documentation are subsequently made available to the National Parks Service - Mid-Atlantic Region, the New Jersey SHPO, and other local archives as appropriate. All copies shall, with the exception of any original HAER drawings made for the project which may be blue-line copies, be archivally stable.
2. NJDOT will ensure that an interpretive display will be produced as a supplement to the HAER recordation. This display will be in the nature of a large signboard consisting of approximately 16 square feet in area, and will concentrate on the existing bridge and its contribution to the development of Ocean City and the Jersey Shore during the automobile age. NJDOT and its design consultant will consult with the NJSHPO to attempt to reach a consensus on a conceptual design and layout for the display. Once a concept is developed, it will be conveyed to representatives of the cities of Somers Point and Ocean City for comment. The NJDOT and its consultant will then develop the final plan for the display, which will be submitted to the NJSHPO and the municipalities for final comment. It will be placed at the acquired Gulf Gasoline Station, located in Somers Point, adjacent to one of the historic resources. NJDOT will coordinate with the city of Ocean City in an attempt to have

a duplicate version of the display placed at the city's visitors center.

3. NJDOT will develop a package of original resource materials used to produce the cultural resource survey reports and the HAER documentation, such as historic maps, digitize them, produce them in a CD format, and make copies available to local historic societies and school libraries.
4. Because a recipient for the Rt. 52 Bridge over the Ship Channel has not been identified, NJDOT and FHWA will continue to review any offers received up to the time when specifications for the demolition contract must be finalized. If an offer is received an agreement will be established among the donee, FHWA, and NJDOT that the integrity of the bridge will be maintained at the new location and the features that make the bridge historic will be maintained.
5. In consultation with the NJSHPD, the city of Somers Point, and Ocean City, NJDOT will work with the bridge design consultant to establish a list of guiding principles to apply to the overall bridge design. This list will reflect a consideration of the project area's setting and history, and have as its objective a development of the bridge's context. NJDOT, with the services of a consultant, shall develop a design review process that will be comprised of at least the following:
  - A. Background Research – Research will focus on the accumulation of information about the history of the Great Egg Harbor Bay, including the design of the historic structure and why it was chosen, as well as any structures that previously crossed the bay in the project area. This research will also focus on the natural and man-made setting of the bay. Resources to be used in this effort will include, but not be limited to; the HAER documentation compiled as a result of Stipulation 1, historic photographs and as-built plans of comparable bridges over nearby coastal waterways, and historic engineering literature (for example Engineering News-Record, Civil Engineering [American Society of Civil Engineers], etc.).
  - B. Evaluation and Explanation of Appropriate Design – As the result of the background research described above, an explanation of the setting for the new bridge will be presented at a design meeting.
  - C. Engineering Analysis and Design Recommendations – The consultant's design analysis will begin with an inventory and brief discussion of how chosen design parameters relate to the setting as developed in section A, above. This will include the relationships between roadway design, marine operations, the natural and man-made environment, and environmental protection requirements. The consultant will briefly discuss a range of structural designs, technologies, and materials which could be employed to provide for a structure that is compatible with the previously developed setting. A design scheme or concept (verbal description and justification with conceptual sketches) will be developed for the new causeway that conveys such compatibility. Consideration will be given to



the overall mass and form of the structure; as well as (to a lesser extent) the choice of sub- and superstructure materials (including their configuration, tint, texture and/or color); type of parapet, railing, and lighting; and landscaping.

- D. NJDOT will submit the initial causeway design developed through the above-stated process to the FHWA, SHPO and the cities of Somers Point and Ocean City for final comment prior to proceeding to Final Design.

#### Administrative Conditions

1. NJDOT, on behalf of FHWA, will ensure that all work encompassed by Stipulation 1 is carried out in accordance with the *Secretary of Interior's Standards and Guidelines for Architectural and Engineering Documentation* (48FR 44730 - 44734) and by or under the direct supervision of a person or persons meeting at a minimum the *Secretary of the Interior's Professional Qualifications and Standards* (48 FR 44738-9).
2. NJDOT, on behalf of FHWA, will ensure that all work encompassed by Stipulations 2 and 5 will be carried out in accordance with the terms of this agreement, and will submit photographic documentation of the completed products to FHWA and the NJSHPD. Such documentation will be sufficient to clearly illustrate the conformance to mutually agreed upon design features and details of the new bridge design, as well as the details of the proposed interpretive center display.
3. Dispute Resolutions
  - A. At any time during the implementation of the measures stipulated in this MOA, should an objection to any such measure or its manner of implementation be raised, FHWA will notify all signatories to the agreement, take the objection into account, and consult as needed to resolve the objection.
  - B. Disputes regarding the completion of the terms of this agreement as necessary shall be resolved by the signatories. If the signatories cannot agree regarding a dispute, the FHWA shall then initiate appropriate actions in accordance with the provisions of 36 CFR §800.6(b) and §800.7 as appropriate.
  - C. Modification, amendment or termination of this agreement as necessary shall be accomplished by the signatories in the same manner as the original agreement.
4. Should construction of the above mentioned project not commence within 5 years of the date of FHWA's acceptance of this MOA, this agreement becomes null and void. If FHWA decides to continue with the undertaking, it shall re-initiate its review process in accordance with 36 CFR Part 800.

Execution of this Memorandum of Agreement by the FHWA, the NJSHPD, and NJDOT, and the implementation of its terms, evidence that the FHWA has afforded the Council an opportunity to

comment on the Route 52, Section 1, Reconstruction project and its effects on historic properties, and that the FHWA has taken into account the effects of the undertaking on historic properties.

FEDERAL HIGHWAY ADMINISTRATION

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Dennis L. Merida  
Division Administrator, New Jersey Division Office

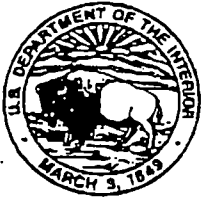
NEW JERSEY STATE HISTORIC PRESERVATION OFFICE

By: Dorothy P. Guzzo Date: 1/24/02  
Dorothy P. Guzzo  
Deputy State Historic Preservation Officer

Concur:

NEW JERSEY DEPARTMENT OF TRANSPORTATION

By: Arthur Silber Date: 1/23/02  
Arthur Silber  
Director, Division of Project Management



In Reply Refer to:

FP-02/14

# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

New Jersey Field Office

Ecological Services

927 North Main Street, Building D

Pleasantville, New Jersey 08232

Tel: 609/646 9310

Fax: 609/646 0352

<http://njfieldoffice.fws.gov>



PROJECT MANAGEMENT  
RECEIVED  
MAY 02 2002

April 29, 2002

Mr. Nicholas Caiazza, Environmental Team Leader  
Division of Project Management  
New Jersey Department of Transportation  
1035 Parkway Avenue, CN 600  
Trenton, New Jersey 08625-0600

Dear Mr. Caiazza:

This responds to your March 21, 2002 letter to the U.S. Fish and Wildlife Service (Service) requesting review and comment on the March 2002 Preliminary Final Environmental Impact (FEIS) Statement, Section 4(f) Evaluation for NJ Route 52 (1) Causeway between the City of Somers Point, Atlantic County and Ocean City, Cape May County. The purpose of the proposed project is to reconstruct an important, but deteriorated section of the National Highway System in order to provide efficient vehicular and marine traffic as well as to improve safety.

### AUTHORITY

These comments provide technical assistance only and do not represent the review comments of the Department of the Interior on any forthcoming environmental documents pursuant to the National Environmental Policy Act of 1969 (NEPA) as amended (83 Stat. 852; 42 U.S.C. 4321 *et seq.*), nor do these comments preclude separate review and comments by the Service as afforded by the Fish and Wildlife Coordination Act (48 Stat. 401; 16 U.S.C. 661 *et seq.*). In reviewing application where permits are required, the Service may concur, with or without stipulations, or recommend denial of the permit, depending upon the potential for the project to adversely impact fish and wildlife resources. This response also does not preclude Service comments on issues related to the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*).

### COMMENTS

The New Jersey Department of Transportation (NJDOT) has reviewed the Service's previous comments as well as the comments received from other agencies having jurisdiction, expertise, or interest in the Route 52 project. The FEIS reiterates the Preferred Alternative 9-1 identified in the draft - two fixed bridges, with causeway on continuous structure, slightly east of the existing

alignment. Building the entire causeway supported on a viaduct-type structure involves the least impact to wetlands. The preferred alternative will result in the following unavoidable adverse effects:

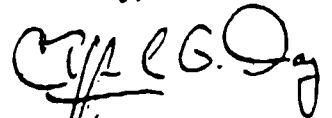
- 7.93 acres of open space inventory (Green Acres) has to be acquired for right-of-way;
- 2.09 acres of shading impact and 0.23 acres of direct impact to wetlands due to fill and piles;
- 0.39 acres of direct open waters impact due to placement of piles and piers; and
- shellfish populations will be reduced as a result of 0.17 acres of habitat destruction.

The Service has determined that the proposed actions and reductions in adverse impacts to fish and wildlife resources have been minimized to the maximum extent practicable. To compensate for project-related adverse impacts, the Service recommends that the NJDOT develop detailed mitigation plans to compensate for unavoidable adverse impacts to wetlands and open water habitat.

The Service has determined that construction of the proposed project would not have unacceptable adverse impacts on fish and wildlife resources provided that the aforementioned mitigation needs for wetlands and open water habitat are appropriately addressed in project mitigation planning and implemented as part of project construction.

Thank you for the opportunity to comment. Please contact Allen Jackson of my staff at (609) 646-9310 extension 23 if you have any questions concerning these comments.

Sincerely,



Clifford G. Day  
Supervisor



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Northeast Fisheries Science Center  
James J. Howard Marine Sciences Laboratory  
74 Magruder Road  
Highlands, New Jersey 07732

April 26, 2002

Nicholas Caiazza  
State of New Jersey  
Department of Transportation  
P.O. Box 600  
Trenton, NJ 08625-0600

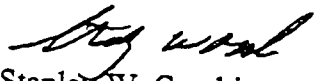
**RE: FEIS for the Proposed Reconstruction of Route 52  
From Somers Point, Atlantic County, to Ocean City,  
Cape May County, New Jersey  
NJDOT #8000-139  
FHWA #BRF-007(103)**

Dear Mr. Caiazza:

We have reviewed the preliminary copy of the above referenced document dated March 2002. The document has incorporated the National Marine Fisheries Service's comments and essential fish habitat recommendations.

We have no further comments to offer.

Sincerely,

  
Stanley W. Gorski  
Field Offices Supervisor

cf: EPA, Region II  
USFWS, Pleasantville  
NJDEP, Land Use Regulation  
NJDEP, Fish and Wildlife  
A. Fox, FHWA NJ office  
J. Boyer, PH, USACE

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MAY 01 2002





DEPARTMENT OF THE ARMY  
 PHILADELPHIA DISTRICT, CORPS OF ENGINEERS  
 WANAMAKER BUILDING, 100 PENN SQUARE EAST  
 PHILADELPHIA, PENNSYLVANIA 19107-3390

REPLY TO  
 ATTENTION OF

APR 25 2002

Regulatory Branch  
 Application Section II

SUBJECT: CENAP-OP-R-199400807-24  
 Route 52(1) Reconstruction

PROJECT MANAGEMENT  
 RECEIVED  
 APR 26 2002

Mr. Nicholas Caiazza  
 New Jersey Department of Transportation  
 Division of Project Management  
 P. O. Box 600  
 Trenton, New Jersey 08625-0600

Dear Mr. Caiazza:

This is in regard to the proposed reconstruction of Route 52(1), between the City of Somers Point, Atlantic County, and the City of Ocean City, Cape May County, New Jersey. We have received your letter dated March 25, 2002, in which you forwarded a copy of the Preliminary Final Environmental Impact Statement (FEIS) for the project (dated March 2002).

In letters dated May 22, 2000, and January 16, 2001, we provided comments to you on the Draft EIS. This office has previously concurred with the "Purpose and Need" statement in the EIS. We have also concurred with the set of alternatives which were advanced to the EIS. This office has verified the limits of Federal jurisdiction within the project area.

We have reviewed the Preliminary FEIS, and we offer these comments as a cooperating agency:

1. In the Table of Contents, Section 3.4.5 should be "Wetlands and Open Waters," as on page III-37; and Section 7 should be "Agencies Who Receive This FEIS" (not DEIS).
2. In Parts "v." and "vii." of the Summary, pages S-6 and S-7, it should be emphasized that the cooperating agencies do not necessarily concur with the Federal Highway Administration's preferred alternative; nor can such a concurrence be made until the necessary permit processes have been completed by those agencies.
3. Section 3.1 ("Traffic and Transportation") should have a discussion of navigation issues, such as bridge clearances and the sharp turn in the proposed relocated Federal channel. Under your preferred alternative, northbound vessels would make a sharp right turn, facing the end of the new sheet pile wall almost head-on. We would like to know if hydrographic surveys

SUBJECT: CENAP-OP-R-199400807-24

support a gentler curve to transition from the existing channel to the new alignment. Would a more gradual curve require additional dredging, or do existing depths in this area meet or exceed six feet? As previously stated, relocation of the Intracoastal Waterway will require Corps of Engineers approval. The approval process starts with a letter formally requesting this relocation and explaining the need for it. The Corps of Engineers would then coordinate navigation and boat safety issues with the U.S. Coast Guard.

4. In Section 3.4.5, page III-39, Figure 3.4.1 shows the horizontal clearance between piers (at the channel) to be about 45 meters for the fixed bridge, and about 50 meters for the bascule bridge. However, the drawings in Appendix D show the clearance to be about 80 meters for the fixed bridge and 30 meters for the bascule. All other piers are about 25 meters apart.

5. In Section 3.4.5, page III-40, the referenced tables should be included in the FEIS. In the DEIS, Tables 3.4-3, 3.4-4 and 3.4-6 all show the same impacts to wetlands and open waters for Alternatives 9 and 9A. Based on Figure 3.4.1, this would not be the case.

6. The proposed wetland compensation ("mitigation") site shown on Figure 3.4.2, page III-41, is the same area proposed for dewatering of dredged material. There should be an explanation of how the timing of dewatering could be completed, and the material removed, prior to construction in wetlands, so that construction of the wetland compensation could commence in a timely fashion. In the Corps' permit process, this office normally requires wetland compensation to be completed prior to or concurrent with wetland impacts.

7. In Section 3.4.7, page III-43, it should be stated that disposal of materials as artificial reefs is subject to State and Federal approval. For your reference, there is an existing Department of the Army permit, CENAP-OP-R-199802530-1, which authorizes placement of material at reef sites. There are a number of conditions attached to that permit, and it expires in the year 2004. You can contact this office for further information on the terms of that authorization. You should coordinate with the permittee (New Jersey Department of Environmental Protection) regarding acceptability of material for the reefs.

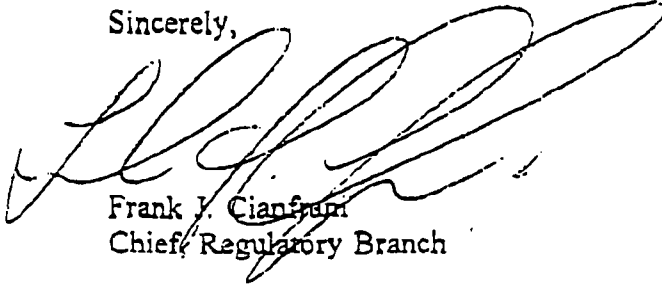
8. In Section 7.0, page VII-1, "Department of the Army, Philadelphia District" should be "U.S. Army Corps of Engineers, Philadelphia District."

None of the above comments are intended to prejudice any permit decisions for this project. It is our understanding that an application for a Department of the Army permit will be submitted after the publication of the Final EIS. It is not possible for us to make a decision relative to your preferred alternative until we have completed our permit process.

SUBJECT: CENAP-OP-R-199400807-24

You should continue to coordinate with this office regarding the submission of application materials for a permit. Please contact Dr. James N. Boyer of my office at (215) 656-5826 if you have any questions regarding this matter. We thank you for the opportunity to comment on this project.

Sincerely,



Frank J. Cianfrani  
Chief, Regulatory Branch



U.S. Department  
of Transportation

United States  
Coast Guard



Commander  
United States Coast Guard (Aowb)  
Fifth Coast Guard District

431 Crawford Street  
Portsmouth, Va. 23704-5004  
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Phone: (757)398-6227  
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PROJECT MANAGEMENT  
RECEIVED  
APR 15 2002

16590  
9 Apr 02

Mr. Nicholas Caiazza  
New Jersey Department of Transportation  
P.O. Box 600  
Trenton, New Jersey 08625-0600

Dear Mr. Caiazza:

This is in response your letter dated March 21, 2002 requesting comments on the Preliminary Final Environmental Impact Statement/Section 4(f) Evaluation for the proposed reconstruction of Route 52(1) from Somers Point, Atlantic County, to Ocean City, Cape May County, New Jersey.

The Preliminary FEIS/Section 4(f) Evaluation has been reviewed by Mrs. Linda Bonenberger, of my staff. The proposed 55-foot vertical clearance at mean high water and the 70-foot horizontal clearance for the proposed fixed replacement bridges across Ship Channel and Beach Thorofare (New Jersey Intracoastal Waterway) appear adequate based on the information provided in the Preliminary FEIS. Even though the navigational clearances for new bridges across Ship Channel and Beach Thorofare appear to meet the reasonable needs of navigation, a final determination will be made after we issue a public notice soliciting public comment on the proposed new bridges. If we receive comments objecting to the proposed clearances, the concerns of those objecting will have to be cleared up before a Coast Guard Bridge Permit will be issued.

To ensure that the vertical clearances for the proposed new replacement bridges across Elbow Thorofare and Rainbow Channel are adequate for navigation, please provide navigational usage information on these two waterways by identifying the types and sizes of vessels known to transit these waterways, and of any commercial use.

The National Oceanic and Atmospheric Administration's (NOAA) navigational charts and the U.S. Army Corps of Engineers' Federal Navigation Project Book were reviewed to determine if there were any federally maintained channels in Ships Channel, Beach Thorofare, Rainbow Channel and Elbow Thorofare. The information provided in the charts and the project book revealed that no federally maintained navigational channel exists along any of the four waterways. To make sure the proposed replacement bridges do not encroach upon navigational channels that we are unaware of, we require that you verify with the appropriate city officials of Ocean City and Somers Point as to whether they have a designated navigational channel in any of the four waterways. Also, for the NOAA's information and for the navigational charts maintained by them, we need for you to identify the longitude and latitude of where each proposed replacement bridge will be located across each waterway.

When you submit your application for a Coast Guard Bridge Permit, please provide separate plan sheets for each waterway crossing since each of the four bridges are over waterways of different

names. One reproducible original and three copies of the location map and plan sheets for each proposed replacement bridge will need to be included in your permit application package. The bridge plans and location map will need to provide the following information:

**The Title Block (lower right corner of each page):**

- a. Applicant's name
- b. Waterway name
- c. Milepoint of bridge location in miles and metric equivalent in kilometers.
- d. City and State
- e. Date of plans
- f. Sheet number of total number of sheets in the set.

**The Plan View needs to show the following:**

- a. Properties adjacent to the proposed bridge and names of the owners.
- b. Length and width of the bridge in U.S. linear feet and metric equivalent in meters.
- c. Fendering system, if any.
- d. Falsework/Temporary structures.
- e. Banks of the waterway.
- f. Navigation channel limits (dimensions).
- g. Structures immediately adjacent of the proposed bridge and their pier alignment in relation to the proposed bridge.
- h. Graphic bar scale.
- i. North arrow.
- j. Horizontal clearance normal to the axis of the channel in U.S. linear feet and metric equivalent in meters.
- k. Channel axis.

**Elevation View should show the following:**

- a. Navigational opening, marked in red.
- b. Datum.
- c. Horizontal clearance normal to the channel in U.S. linear feet and metric equivalent in meters.
- d. Vertical clearance above the appropriate datum in U.S. linear feet and metric equivalent in meters.
- e. The dimensions and minimum clear horizontal distance to the channel axis between most restrictive parts of the fendering system.
- f. The minimum navigational clearances of falsework and temporary structures.
- g. The 100-year flood elevation.
- h. The elevation of the waterway bottom.
- i. Amount of fill, if any.
- j. The graphic bar scale.

The Coastal Zone Management (CZM) Act of 1972 (P. L. 92-583), as amended, require all projects located within the designated coastal zone of a state to be consistent with the state's federally approved CZM plan. If the State of New Jersey has a federally approved CZM plan and this project is located in the coastal zone, we will need a written certification that this proposed project is consistent with the approved state CZM plan and the State CZM Program office's concurrence in writing with your certification.

Section 401 of the Federal Water Pollution Control Act (P. L. 92-500), as amended, prohibits federal permitting agencies from issuing authorizations for construction activities having discharges into navigable waters, until the appropriate water quality certifying agency has issued a water quality certification or waiver procedures have been satisfied. In order for the Coast Guard to issue bridge permits for this project, you must obtain a Water Quality Certification (WQC) or waiver from the appropriate Federal, inter-state, or state agency.


In accordance with Part 118 of 33 Code of Federal Regulations, navigational lights will be required on the proposed replacement bridges across Elbow Thorofare and Rainbow Thorofare if they support nighttime navigation. The proposed replacement bridges across Ships Channel and Beach Thorofare will require navigational lights.

16590

9 Apr 02

We appreciate the opportunity to review the Preliminary Final Environmental Impact Statement. If you should have any questions regarding this matter, please contact Mrs. Linda Bonenberger, Bridge Management Specialist, at (757) 398-6227.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ann B. Deaton".

ANN B. DEATON  
Chief, Bridge Administration Section  
By direction of the Commander  
Fifth Coast Guard District



U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION

New Jersey Division Office  
840 Bear Tavern Road, Suite 310  
West Trenton, New Jersey 08628-1019

March 6, 2002

IN REPLY REFER TO:  
HPO-NJ

Route 52 (1) Causeway  
Atlantic & Cape May Counties  
Final EIS  
BRF-0007(103)

Andras Fekete  
Manager, Bureau of Environmental Services  
Division of Project Management  
New Jersey Department of Transportation  
1035 Parkway Avenue, P.O. Box 600  
Trenton, New Jersey 08625-0600

Dear Mr. Fekete:

We have completed our review of the Final EIS for Route 52 (1) Causeway project in the City of Somers Point, Atlantic County and in Ocean City, Cape May County. Here are our comments for your consideration. If there are any questions, please call Army Fox at (609) 637-4238 or myself at (609) 637-4237.

Sincerely yours,  
Lourdes Maria Castaneda

Lourdes Castaneda  
Area Engineer

cc: N. Caiazza w/ encl.  
D. Lambert w/ encl.

PROJECT MANAGEMENT  
RECEIVED

MAK 0 8 2002

**FHWA Comments on the Final EIS  
Route 52 (1) Causeway**

1. Page III-48, third paragraph, third sentence: Please reword sentence, it doesn't read correctly.
2. Pages III-74 & III-75: Pages have the same info, one can be removed.
3. Page IV-6, Table 4.3-1: Consider adding a column stating 'Meet Purpose & Need'.
4. Page IV-10, Figure 4.3-1: Text is hard to read and is blurry. Please enlarge text.
5. Page IV-14, first sentence: Please add 'properties or resources' after 'of Section 4(f)'.
6. Page IV-15, second paragraph: First sentence states 'The Preferred Alternative has will have some adverse effect.....'. Needs to be reworded.
7. Appendix A & C: Why are these appendices not double-sided?
8. Proposed location of the Visitor's Center needs to be shown on one of the Appendix D maps (Alternative 9 Option 1).
9. Existing boat ramp on the north bank of Rainbow Channel to be enhanced needs to be shown on one of the Appendix D maps (Alternative 9 Option 1).
10. Page II-11: Is maintenance dredging & wetland mitigation included in the Life Cycle Cost? Also how the Life Cycle Cost was calculated needs to be briefly explained.
11. The FEIS should not reference sections or text from the DEIS; rather the FEIS should contain the information that existed in the DEIS.
12. Where is the Section 7 consultation discussed?
13. Where is the projects compliance with the Coastal Zone Management discussed?

NEW JERSEY DEPARTMENT OF TRANSPORTATION

MEMORANDUM

**TO:** Record

**FROM:** Nick Caiazza

**DATE:** February 7, 2002

**PHONE:** 5-2991

**SUBJECT:** Route 52 (1) Causeway  
Angler Access

---

Today a meeting was held to discuss angler access along the proposed Route 52 Causeway with the following in attendance: Andrew Didun, NJDEP Division of Fish and Wildlife (NJF&W), and Dave Lambert and Nick Caiazza, NJDOT Division of Project Management.

Representatives of Project Management last met with NJF&W personnel on April 13, 2001, (after the circulation of the Draft Environmental Impact Statement) where various concerns were expressed about the project's effects on existing fishing access. Subsequently, a letter dated August 13, 2001 was sent to NJF&W, where Project Management responded to each concern and outlined a revised plan to replace fishing access in the project area. Mr. Didun requested today's meeting to clarify his office's concerns and respond to our letter.

The following is a summary of the issues discussed, including any follow-up that is necessary:

- Mr. Didun came to the meeting with a set of photos that illustrated the inconsistencies in allowing angler access in the area. For example, he stated that the Longport bridge (over Beach Thorofare) allows fishing to the point that trash cans are supplied yet the bridge sidewalk is only about 2' wide without protection. More importantly, photos of the Rush Chatin bridge over Corson's Inlet shows angler access by way of a parking lot, boat ramp (trailers), shoreline fishing, and about a 5' wide protected sidewalk and bump-outs for anglers on both sides of the bridge crossing. Dave Lambert took some of the Corson's Inlet photos for discussion / reference.
- Mr. Didun asked if the proposed ground-level walkway on the southern-most island will provide access all the way across the island to the northwestern shore of Beach Thorofare. Mr. Caiazza responded that it will.
- Mr. Didun asked if the proposed replacement boat ramp on the southern shore of Rainbow Channel will have an access path that will accommodate vehicles with small boats on trailers. The path should include an area for vehicles to turn around to launch boats. The

NJDOT response was that we will make every attempt to provide such a path during final design of the project, consistent with regulatory requirements associated with any land use and environmental permits that will be required.

- For the new fishing pier proposed for the southern shore of Rainbow Channel, it was agreed that during design we will consider a configuration that would allow access to both sides of the bridge (such as a T shape). We will also attempt to preserve, to the extent practicable, fishing access from the existing bulkhead on the southwestern side of the abutment. If this is feasible, it would eliminate the need for the T-shaped fishing pier.
- Mr. Didun questioned whether the project will allow for angler access along the southwest side of the existing causeway adjacent to the northern shore of Rainbow Channel. It appears that this will be feasible, and during design we will attempt to maximize angler access in this area, all the way to, and including part of, the abutment. This will probably involve repair or reconstruction of the existing bulkhead along that stretch of causeway, to maintain the existing upland area.
- Mr. Didun reiterated that, to maintain existing fish habitat, we should preserve as many piles from the existing structures across Elbow Thorofare and Rainbow Channel as possible. We will attempt to maximize the number of piles that are cut down to some level above the channel bottoms, consistent with navigation/boating safety issues that we expect will be raised at the permit application phase of the project.
- Mr. Didun asked if the proposed sidewalk on the structure could have a continuous concrete barrier constructed between it and the shoulder. Mr. Lambert replied that this option is being seriously considered along with a widened sidewalk. The decision on this will be made during Final Design.
- Mr. Didun highlighted that the NJF&W's foremost concern is to allow angler use on the bridges over Rainbow Channel and Elbow Thorofare. DOT's response of liability concerns was questioned in lieu of the Corson's Inlet crossing and others that allow fishing. The NJF&W asked for fishing to be allowed over Rainbow Channel and to design bump-outs on the protected sidewalk if conflicts between anglers and pedestrians/bicyclists are a concern. We are considering such bump-outs for the high bridges over Beach Thorofare and Ship Channel, on the northeast side of the structure only. Mr. Didun felt that if we are considering them for the higher bridges, then we should install them on the lower ones as well. Bump-outs would not be appropriate for the southwest side of the causeway, since there is no sidewalk proposed there for the main structure. We will consider adding bump-outs to the proposed sidewalk over Rainbow Channel during Final Design (Mr. Didun offered assistance from his office in choosing their location). We will also consider adding a sidewalk to the ramp on the southbound side of the causeway that provides access to the island currently supporting the Visitors Center. This would provide pedestrian access from the proposed parking lot on that island to the southwest side of the structure over the southern portion of Rainbow Channel. It would, however, dead-end on the structure.
- Mr. Didun noted that anglers would make efforts to fish off of both sides of Rt. 52 depending on the currents / tides. Therefore, angler access was requested and emphasized on both sides of the new Rt. 52, especially over Rainbow Channel but also Elbow Thorofare. Safety was Mr. Didun's concern. Currently anglers are in jeopardy fishing off of the existing causeway; if they do that now, they will make attempts to do the same on the new bridge.



The new causeway design currently calls for a continuous sidewalk on one side of the road only.

➤ Mr. Didun reiterated the need to provide access for anglers to the northern-most island, between Ship Channel and Elbow Thorofare. Mr. Didun noted that access, in general, is currently available on all islands along existing Rt. 52. It was noted that this is likely an island encumbered under one of the Green Acres procedures and access would need to be provided. Mr. Caiazza was to look into the issue; he suggested that a stair-tower may be needed. (After the meeting, a review of past meeting records indicated that this possibility was looked at previously and the bridge at this point would be higher than in other areas where a stair tower has been proposed, therefore safety would be a concern.) Reasons were given in the August 13 letter as to why providing such access is not feasible and prudent due to safety and liability considerations. The NJDOT still believe these reasons to be valid, although the issue can be revisited during Final Design. In regard to Elbow Thorofare, the NJF&W also asked for the construction of some kind of low bridge or preservation of a portion of the existing causeway to provide angler use and access to the northern-most island. Mr. Lambert explained that the new Rt. 52 causeway would cover the existing causeway, which would need to be demolished for new pier supports. A new bridge would be costly and considered unsafe for navigation. Mr. Didun noted neither Elbow Thorofare or Rainbow Channel are open to navigation, and that the new higher bridges would make it appear that those channels could be navigated.

➤ Mr. Didun noted and emphasized that the Director of NJF&W (R. McDowell) as well as the Marine Fisheries Administrator (T. McCloy) and the Marine Fish Council are interested in the outcome of angler access issues for this project. If necessary, their support and the support of the marine fish anglers at-large can be made available to the NJDOT.

➤ In a telephone conversation after the meeting, Mr. Didun noted that a (newly proposed) small pedestrian / bicyclist / angler sidewalk sized-ramp off of the ascending ramp from the parking area proposed on the central Rainbow Island could serve two purposes. It would provide access to the island between Ship Channel and Elbow Thorofare as well as provide angler use over Elbow Thorofare.

Finally, it was agreed that a meeting should be convened at the beginning of the Final Design process between the NJDOT, its designers and NJF&W. At that time the access commitments outlined in this memorandum and the FEIS can be brought to the attention of the designers and discussed at the beginning of the design effort, to allow for proper consideration in an efficient manner.

Cc: attendees  
R. Gramlich  
L. Castaneda, FHWA  
N. Spaventa, Earthtech



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
NORTHEAST REGION  
One Blackburn Drive  
Gloucester, MA 01930-2298

JAN 18 2002

PROJECT MANAGEMENT  
RECEIVED

JAN 22 2002

Nick Caiazza  
Environmental Team Leader  
Division of Project Management  
State of New Jersey  
Department of Transportation  
P.O. Box 600  
Trenton, New Jersey 08625-0600

Dear Mr. Caiazza:

We have reviewed the essential fish habitat (EFH) assessment which was dated December 21, 2001 and which was submitted to us by the New Jersey Department of Transportation on behalf of the Federal Highway Administration for the rebuilding of New Jersey Route 52 across Great Egg Harbor Bay between Somers Point in Atlantic County and Ocean City in Cape May County, New Jersey. We offer the following comments and recommendations on this project pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the Endangered Species Act, and the Fish and Wildlife Coordination Act (FWCA).

Because the EFH section was not included in the New Jersey Route 52 draft environmental impact statement (DEIS), the EFH section of the final environmental impact statement (FEIS) should include our conservation recommendations to protect EFH, as well as the federal action agency's response (or a response from the NJDOT which has been designated as the action agency). We will also clarify other recommendations pursuant to the Endangered Species Act and the Fish and Wildlife Coordination Act (FWCA) in this letter.

#### Essential Fish Habitat Comments

All life stages of winter flounder (*Pseudopleuronectes americanus*) may be found in the project area. Winter flounder spawning times are determined by water temperatures. Spawning may occur as early as December and as late as April with early life stages continuing their development through June. Because winter flounder eggs are demersal and the early life stages are vulnerable to destruction by dredging activities, seasonal restrictions for dredging activities are necessary for winter flounder protection.



**Essential Fish Habitat Conservation Recommendations**

Provided that the following conservation recommendations are incorporated into the project plan, we concur with the assessment that the project will have no more than a minimal adverse individual or cumulative effect on EFH in the project area:

- for the protection of the early life stages of winter flounder (*Pseudopleuronectes americanus*), a seasonal restriction on dredging from 1/1 until 5/31 of any year would minimize impacts on this species

According to section 305(b)(4)(B) of the MSA, the federal action agency has a regulatory requirement to provide a written response to NMFS within 30 days after receiving NMFS' EFH conservation recommendations. If the federal action agency is not able to respond fully within 30 days, it may send a preliminary response stating that it has received NMFS' recommendations, will consider them fully, have not yet made a decision on the project, but will respond to NMFS' recommendations in detail in a letter or within the final EIS or EA. The federal action agency then must respond to the recommendations by letter or within the final EIS or EA in a section or chapter clearly labeled as such. The federal action agency response must be provided to NMFS at least 10 days before it signs a Finding of No Significant Impact or a Record of Decision, to allow time for dispute resolution if necessary. The federal action agency response must include a description of measures proposed for avoiding, mitigating, or offsetting the impact of the activity on EFH, as required by section 305(b)(4)(B) of the MSA and 50 CFR 600.920(j). In the case of a response that is inconsistent with NMFS' conservation recommendations, the federal action agency must explain its reasons for not following the recommendations, including the scientific justification for any disagreements with NMFS over the anticipated effects of the action or the measures needed to avoid, minimize, mitigate, or offset such effects.

**Fish and Wildlife Coordination and Management Act Comments**

Female Blue crabs (*Callinectes sapidus*) form overwintering aggregates in the project area. These crabs burrow into the sediment, become lethargic, and are vulnerable to dredging activities. For the protection of this resource, we recommend that a seasonal restriction from December 1 through March 31 be incorporated into project plans.

**Endangered Species Act Comments**

Several species of sea turtles including the threatened loggerhead (*Caretta caretta*), endangered Kemp's ridley (*Lepidochelys kempii*), and green (*Chelonia mydas*) may occur in inshore waters of New Jersey.

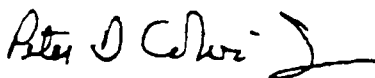
These turtles feed primarily on mollusks, crustaceans, sponges, and a variety of marine grasses and seaweeds. In addition, the endangered leatherback (Dermochelys coriacea) sea turtle may occupy the coastal waters of New Jersey, foraging for jellyfish. These sea turtles may be found in New Jersey waters from late spring to mid-fall.

NMFS issued a Biological Opinion on November 26, 1996 which was modified on May 25, 1999 and included all dredging activities in the Philadelphia Army Corps of Engineers' District. Provided that the dredging activities comply with the terms and conditions of the Biological Opinion, further consultation with NMFS under Section 7 of the Endangered Species Act will not be necessary. However, should project plans change or should new information become available that modifies the basis for this determination, then consultation should be reinitiated.

Although it is not planned at the present time, if it becomes necessary to use blasting for the removal of the old bridge piers, consultation with the Protected Resources Division of the National Marine Fisheries Service should be initiated regarding the effects to endangered sea turtles. Turtles may be present in the project area between June 1 and November 30, and the planning of blasting outside these time frames is recommended.

If you wish to discuss this matter further, please contact Anita Riportella of my staff at (732) 872-3116.

Sincerely,



Peter D. Colosi, Jr.  
Assistant Regional Administrator  
for Habitat Conservation

cf: EPA, Region II  
USFWS, Pleasantville  
NJDEP, Land Use Regulation  
NJDEP, Fish and Wildlife  
NMFS, Protected Species, M. Colligan

ar/route 52 efh assessment

# City of Somers Point Resolution

No. 87 of 2001 (As Amended)

Subject: Endorsing Rt. 52 Causeway Project Introduced By: Councilman Smith

WHEREAS, the New Jersey Department of Transportation has undertaken a project known as the New Jersey Route 52 Causeway Project between the City of Somers Point, Atlantic County and Ocean City, Cape May County; and

WHEREAS, the City of Somers Point objected to an element of the proposed project which included the expansion of MacArthur Blvd. into a five lane highway, as evidenced by the passage of Resolution No. 174 of 2000; and

WHEREAS, in response to that objection, the New Jersey Department of Transportation developed a three-lane alternative configuration through the residential area of MacArthur Blvd., and transmitted that configuration to the City by a letter dated March 26, 2001.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby reiterates its endorsement and support of Alternative 9 for the New Jersey Route 52 Causeway project, so long as it incorporates the three-lane alternative configuration through the residential area of MacArthur Blvd., a copy of which is attached hereto, and made a part hereof.

BE IT FURTHER RESOLVED that said endorsement and support is conditional upon the following

- 1) The speed limit for MacArthur Blvd. to be 35 miles per hour
- 2) The new light at Braddock Drive to be a pad timer so that it allows the free flow of traffic on MacArthur Blvd., unless cars actually require it to change to allow flow to and from the side streets
- 3) The project will provide appropriately spaced architectural lights similar to style of lights on Bay Avenue (Victorian Gas Lamp Style)
- 4) The project will eliminate the existing drainage swale and cyclone fence on the south side of Route 52 near the intersection of Route 9, and replace it with an attractively and densely landscaped berm. Underground drainage pipe will be utilized, if necessary.
- 5) The project will visually enhance the roadway and reduce road noise emanating to the surrounding area by the use of dense, large, sound-absorbing plantings. These plantings will be mature enough to serve their intended purpose when planted. These plantings are to be, at least, in the area between the intersection of Route 9 and where the existing businesses fronting on MacArthur Blvd. begin. The plantings should be diverse, and appropriate for our climate and soil. Suggestions would include a mixture of:
  - a) Trees - Blue Spruce, Leyland Cypress, Douglas Fir, White Fir, Dogwood, Crabapple, Flowering Pear, Washington Hawthorn, White Ash, Elm and Hickory
  - b) Bushes - Yews, Arborvitae, Forsythia, Boxwood, Juniper and Azaleas
  - c) Perennial Flowers - (around the boarder of plantings) - Daffodils and tulips for spring bloom, various types of lilies for summer-blooms.
- 6) The State of New Jersey will adequately maintain the improvements including the lights and landscaping.
- 7) The State of New Jersey will not withhold approval of changes on local roads which the City might desire to institute, and which might include such items as: prohibiting left turns from MacArthur Blvd. onto certain local streets, one way streets, and the elimination of public access from MacArthur Blvd. businesses onto local streets, except for emergency vehicles.
- 8) The State of New Jersey will implement changes in its construction plans so as to adequately protect local affected businesses and residents from the adverse effects identified in Mayor DiMaria's letter of December 1, 2000 to the NJDOT (copy attached hereto).

---

I Carol L. Degrassi, City Clerk of the City of Somers Point, New Jersey, hereby certify that the foregoing Resolution is a true copy, duly adopted by the City Council of said City at a Regular meeting held on the 24th day of May, 2001.

In Witness Whereof, I have hereunto set my hand and seal of my Office this 24th day of May, 2001.

  
Carol L. Degrassi, RMC/CMC, City Clerk



# State of New Jersey

DEPARTMENT OF TRANSPORTATION  
1035 Parkway Avenue  
PO Box 600  
Trenton, New Jersey 08625-0600

DONALD T. DI FRANCESCO  
*Acting Governor*

JAMES WEINSTEIN  
*Commissioner*

March 26, 2001

City of Somers Point  
Municipal Services Building  
New Jersey Avenue and Shore Road  
Somers Point, New Jersey 08244

Attention: Mr. Harvey Smith  
City Council President

RE: Somers Point Circle Elimination and MacArthur Blvd. Widening Project  
Letter from Mayor DiMaria dated December 1, 2001  
Resolution No. 174 dated December 28, 2001

Dear Mr Smith:

Reference is made to Mayor DiMaria's letter dated December 1, 2001 and subsequent Resolution No. 174 dated December 28, 2001 regarding the subject above. The Department has investigated the location of existing schools and recreational areas in the vicinity of the project and acknowledges that a safe pedestrian crossing between Route 9 and the proposed Circle cut through is warranted. In response to your concerns, the Department has developed some conceptual traffic calming techniques which we have applied to the original 5 lane MacArthur Blvd. configuration as proposed in the Draft Environmental Impact Statement (Reference attached Sketch No. 1). These traffic calming techniques involve bumping out the curbs at a proposed **signalized pedestrian crossing at Braddock Drive** (Reference Detail A from attached Sketch No. 1). The bumped out curbs reduce the crossing distance for pedestrians and reduce traffic speeds for increased pedestrian safety.

In addition, we have developed a **new MacArthur Blvd. highway configuration** which provides a three lane configuration through the residential area (i.e., North of Braddock Drive) and widens out to 5 lanes past Braddock Drive through the business district (Reference attached Sketch No. 2). This alternative was developed in an attempt to satisfy the community's widening concerns and also provide for adequate stacking of vehicles approaching the proposed signalized intersection which will replace the Circle. This alternative also contains a signalized pedestrian crossing at Braddock Drive.

In light of the information provided above, our design consultant, Earthtech, has analyzed the traffic flow through the area for the two highway configurations listed above. The analysis was performed with the use of computer models. The models were based upon current peak traffic data for the year 2004 (build year) as well as the year 2024 (20 years hence) and assume a 1% growth rate. I have attached the weekday and weekend peak traffic data for your information. As you are well aware, peak weekday traffic volumes occurs on Friday night

during the summer tourist season. The weekend peak occurs on Saturday morning and again on Sunday night during the summer tourist season.

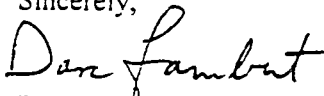
The growth rate of 1% which is assumed in the computer model appears appropriate based upon coordination with the Department's Mobility Strategy Unit, Local Planning Offices and consultation with the New Jersey Highway Authority (NJHA). We have attached traffic data obtained through the NJHA which shows a consistent growth rate of 2.3 % on average at Exit 30 of the Garden State Parkway. In addition, NJHA projects a 2.9% per year growth over the next ten years on the GSP segment that covers Exit 30. Summarized below for your convenience are the results of the traffic simulation computer analysis for MacArthur Blvd..

- The five lane configuration provides for better overall traffic flow and will prevent potential gridlock from occurring at Braddock Drive in the Southbound direction and Braddock Avenue in the Northbound direction during peak periods.
- The five lane configuration (Sketch 1) allows for some movement of traffic from side streets such as Par Drive, however, regardless of the alternative left turns will be extremely difficult. The Department will most likely make a recommendation to restrict left turns at Sixth Ave, Par Drive, Braddock Avenue and Goll Ave. for certain time periods and/or months of the year. The recommendation to close access from Route 52 to Par Drive or Sixth Avenue cannot be ruled out regardless of the final highway configuration.
- The modified three lane alternative (Sketch 2) provides for virtually no opportunity for left turns during peak periods, except at the proposed signalized intersection at Braddock Drive. As stated above, left turns will most likely be restricted.
- Reference the attached memorandum from Earthtech dated March 21, 2001 for more detailed information.

At this time, it is requested that the City review the attached sketches and accompanying documentation (4 copies) and provide your comments regarding further design development of these concepts. Based upon the traffic engineering information provided above, the Department continues to recommend the 5 lane configuration as our preferred alternative. We believe that this alternative provides for the best traffic flow during peak periods and will continue to serve the community well into the foreseeable future.

If any questions arise or you would like to schedule a meeting to discuss these items further, please call me.

Sincerely,



Dave Lambert, P.E.

Project Manager

Division Of Project Management

#### Attachments

CC: Mainfile, RWG, DL, N. Caiazza (w/attach), A. Qureshi, S. Deeck (w/attach), Senator Gormley (w/attach)  
Yanina Eyfa (FHWA, w/attach), N. Spaventa (earthtech), J. Stevenson (w/attach), M. Russo

# SOMERS POINT BOARD OF EDUCATION

JORDAN ROAD SCHOOL  
129 JORDAN ROAD  
SOMERS POINT, NEW JERSEY 08244

Gerald V. Toscano  
Superintendent  
609-927-3043

Nancy J. Steinhauer  
Business Administrator/Board Secretary  
609-927-2053

January 31, 2001

RECEIVED  
TRAFFIC ENGINEER

FEB 6 2001

DEPARTMENT OF TRANSPORTATION  
TRENTON, NJ

City of Somers Point  
Municipal Services Building  
New Jersey Avenue & Shore Road  
Somers Point, New Jersey 08244

Attention: Ms. Carol Degrassi, RMC/CMC, City Clerk

Dear Ms. Degrassi:

Please be advised the Somers Point Board of Education, by formal motion duly carried, unanimously approved support of the City of Somers Point Resolution No. 174 of 2000 at their Regular Meeting held January 18, 2001.

This Resolution was objecting to Route 52 Causeway Project, which includes expansion of MacArthur Blvd to a five-lane highway.

As stated in your Resolution, the Board has serious concerns for their students having to cross this highway to and from school and the recreational facilities, not to mention the increase flow of traffic so close to the school grounds.

Please include the support of the Board of Education in your objection to this project and the recommendation that said project be changed for the safety of the students and the community.

Sincerely,

Nancy J. Steinhauer  
Business Administrator

cc: New Jersey Department of Transportation

TRAFFIC

WEA
DRB
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WLM
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TJS
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HEW



# City of Somers Point

## Resolution

No. 174 of 2000

**Subject:** Objecting to Route 52 Causeway Project which includes expansion of MacArthur Blvd to a five lane highway

**Introduced By:** Councilman Gerety

**WHEREAS,** the New Jersey Department of Transportation has undertaken a project known as the New Jersey Route 52 Causeway Project between the City of Somers Point, Atlantic County and Ocean City, Cape May County, and

**WHEREAS,** said project proposes the expansion of MacArthur Blvd. to a five lane highway, four lanes with a center turning lane; and

**WHEREAS,** said expansion of MacArthur Blvd. would be a risk to our children who need to cross this highway to get to school and recreational facilities; and

**WHEREAS,** said expansion of MacArthur Blvd. would increase the opportunity for speeding through our community and negatively impact on the surrounding neighborhoods and businesses, unnecessarily taking away property; and

**WHEREAS,** said expansion of MacArthur Blvd. would create further traffic problems as it would funnel into a two lane residential street (Laurel Drive) and effectively cut our community in half; and

**WHEREAS,** the Governing Body has received much objection to this expansion of MacArthur Blvd. from the residents of the City of Somers Point

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Somers Point hereby strongly objects to the portion of the above project which expands MacArthur Blvd. to a five lane highway.

**BE IT FURTHER RESOLVED** that the City Council of the City of Somers Point hereby request, in the best interest of the City of Somers Point, that said project be changed to include the expansion of MacArthur Blvd. to a three lane highway (two lanes with a center turning lane) which was originally proposed, including sidewalks on both sides.

---

I, Carol L. Degross, City Clerk of the City of Somers Point, New Jersey, hereby certify that the foregoing Resolution is a true copy, duly adopted by the City Council of said City at a Regular meeting held on the 28th day of December, 2000.

In Witness Whereof, I have hereunto set my hand and seal of my Office this 28th day of December, 2000.

Carol L. Degross, RMC/CMC, City Clerk



DEPARTMENT OF THE ARMY  
PHILADELPHIA DISTRICT, CORPS OF ENGINEERS  
WANAMAKER BUILDING, 100 PENN SQUARE EAST  
PHILADELPHIA, PENNSYLVANIA 19107-3390

REPLY TO  
ATTENTION OF

JAN 16 2001

Regulatory Branch  
Application Section II

SUBJECT: CENAP-OP-R-199400807-24  
Route 52(1) Reconstruction

Mr. Nicholas Caiazza  
New Jersey Department of Transportation  
Division of Project Management  
1035 Parkway Avenue  
P. O. Box 600  
Trenton, New Jersey 08625-0600

Dear Mr. Caiazza:

This is in regard to the proposed reconstruction of Route 52(1), between the City of Somers Point, Atlantic County, and the City of Ocean City, Cape May County, New Jersey. We have received your letter dated October 6, 2000, in which you forwarded copies of the Draft Environmental Impact Statement (DEIS) for the project (dated August 2000).

We previously reviewed an earlier version of the DEIS (dated February 2000). This office has previously concurred with the "Purpose and Need" statement in the DEIS. We have also concurred with the set of alternatives which were advanced to the DEIS. This office has verified the limits of Federal jurisdiction within the project area.

In a letter dated May 22, 2000, we provided comments to you on the earlier version of the DEIS. In a letter dated August 18, 2000, you responded to those comments. We acknowledge that revisions have been made to the DEIS relative to our comments. However, we continue to note that details are lacking regarding dredging and disposal associated with your "initially preferred alternative" (IPA). Pages III-231 and III-232 describe disposal of material at the middle of Rainbow Island for Alternative 9, Options 2 and 3. It is not clear exactly where this would be or whether additional wetlands would be impacted. The only mention of disposal options for Alternative 9, Option 1, your IPA, describes off-site disposal of "drained" material. There is no information about where this material would be drained, and if it would require additional wetland impacts. Disposal sites should be identified for use during the initial dredging associated with the relocation of the New Jersey Intracoastal Waterway and for future maintenance needs. Sites must be of sufficient size to hold the initial quantity of dredged material plus volumes from maintenance dredging. Hydraulic

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-2-

SUBJECT: CENAP-OP-R-199400807-24

dredging will also require space for pumped slurry. Final destinations for relocation of any dewatered material should be identified. Supporting technical documentation should be provided about the nature of the material to be dredged and the need (or lack thereof) for maintenance dredging. The information should verify the 30-year maintenance cycle for a relocated channel. This information should be incorporated into the final EIS. The 1994 feasibility study on relocation of the navigation channels only addressed dredging of Rainbow Channel.

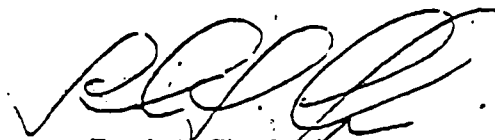
We have noted comment letters from the U.S. Coast Guard and U.S. Fish and Wildlife Service. The issue of the waiver on bridge clearance from the Coast Guard should be resolved before the EIS is finalized. We note the concerns of the Fish and Wildlife Service regarding impacts to shellfish. Please bear in mind that consideration must be given to resource agency comments in the processing of a Department of the Army permit. Therefore, it is recommended that their views be given serious consideration in the Final EIS.

None of the above comments are intended to prejudice any permit decisions for this project. It is our understanding that an application for a Department of the Army permit will be submitted after the publication of the Final EIS. It is not possible for us to make a decision relative to your preferred alternative until we have completed our permit process. We recommend that the issues outlined above be addressed in the Final EIS. They should not be left for the design-build contractor to address afterward. These issues will need to be dealt with by the Corps in their evaluation of environmental impacts in the permit process.

We did not see the Endangered Species Act mentioned in the "Summary" section under required Federal actions. Since the proposed action is a Federally funded highway project, Federal Highway Administration should be the lead agency with regard to Section 106 of the National Historic Preservation Act and Section 7 of the Endangered Species Act. We will not be able to complete our permit process until we have documentation of compliance with those laws.

You should continue to coordinate with this office regarding the submission of application materials for a permit. Please contact Dr. James N. Boyer of my office at (215) 656-6731 if you have any questions regarding this matter. We thank you for the opportunity to comment on this project.

Sincerely,



Frank J. Cianfrani  
Chief, Regulatory Branch

# *City of Somers Point* **Resolution**

No. 174 of 2000

**Subject:**                    **Objecting to Route 52 Causeway Project  
which includes expansion of MacArthur Blvd  
to a five lane highway**

**Introduced By:**        **Councilman Gerety**

**WHEREAS**, the New Jersey Department of Transportation has undertaken a project known as the New Jersey Route 52 Causeway Project between the City of Somers Point, Atlantic County and Ocean City, Cape May County; and

**WHEREAS**, said project proposes the expansion of MacArthur Blvd. to a five lane highway, four lanes with a center turning lane; and

**WHEREAS**, said expansion of MacArthur Blvd. would be a risk to our children who need to cross this highway to get to school and recreational facilities; and

**WHEREAS**, said expansion of MacArthur Blvd. would increase the opportunity for speeding through our community and negatively impact on the surrounding neighborhoods and businesses, unnecessarily taking away property; and

**WHEREAS**, said expansion of MacArthur Blvd. would create further traffic problems as it would funnel into a two lane residential street (Laurel Drive) and effectively cut our community in half; and

**WHEREAS**, the Governing Body has received much objection to this expansion of MacArthur Blvd. from the residents of the City of Somers Point

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Somers Point hereby strongly objects to the portion of the above project which expands MacArthur Blvd. to a five lane highway.

**BE IT FURTHER RESOLVED** that the City Council of the City of Somers Point hereby request, in the best interest of the City of Somers Point, that said project be changed to include the expansion of MacArthur Blvd. to a three lane highway (two lanes with a center turning lane) which was originally proposed, including sidewalks on both sides.

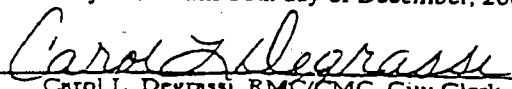
**PROJECT MANAGEMENT  
RECEIVED**

JAN 11 2001

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I Carol L. Degrassi, City Clerk of the City of Somers Point, New Jersey, hereby certify that the foregoing Resolution is a true copy, duly adopted by the City Council of said City at a Regular meeting held on the 28th day of December, 2000.

In Witness Whereof, I have hereunto set my hand and seal of my Office this 28th day of December, 2000.

  
\_\_\_\_\_  
Carol L. Degrassi, RMC/CMC, City Clerk



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, D.C. 20240



ER 00/762

JAN 3 2001

Robin L. Schroeder, PE  
Director, Division of Project Operations  
Federal Highway Administration  
640 Bear Tavern Road, Suite 310  
West Trenton, NJ 08628

Dear Ms. Schroeder

This is in response to your request for comments from the Department of the Interior regarding the draft environmental impact statement (DEIS) and Section 4(f) evaluation for Route 52 Reconstruction Project from Route 9 in Somers Point, Atlantic County to Bay Avenue in Ocean City, Cape May County, New Jersey.

## SECTION 4(f) COMMENTS

At this time we cannot concur that there are no other prudent or feasible alternatives to the project as proposed or that all possible planning has been undertaken to mitigate harm to section 4(f) resources. Our primary concerns have to do with impacts on fish and wildlife resources and are outlined in detail below.

## DRAFT ENVIRONMENTAL IMPACT STATEMENT COMMENTS

### General

The following comments on the DEIS have been prepared under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401; 16 U.S.C. 661 et seq.), and the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 4321 et seq.), and are consistent with the intent of the Department's Fish and Wildlife Service (FWS) Mitigation Policy (Federal Register, Vol. 46, No. 15, Jan. 23, 1981), which emphasizes that avoidance and minimization precede compensation for unavoidable adverse impacts on fish and wildlife resources and supporting ecosystems. We are concerned that the least environmentally damaging alternative has not been selected for this proposal.

Information in the DEIS identifies Alternative 9, option 1 (9-1) as the initially preferred alternative for the proposed project. In a letter dated June 19, 2000, the FWS commented on the Preliminary DEIS and the Technical Environmental Study (TES) dated March 2000 for the

proposed project. In that letter, the FWS identified Alternative 9A, option 1 (9A- 1) as having the least potential for adverse impacts on the aquatic environment within the proposed project area. Alternative 9A-1 would not require a realignment of the Intracoastal Waterway (ICWW) and subsequent dredging within Great Egg Harbor Bay.

According to NJDOT's August 19, 2000, letter to the FWS and information provided in the DEIS, the decision to select Alternative 9- 1 as the initially preferred alternative was based on the need for an uninterrupted emergency evacuation route, cost minimization (i.e., elimination of initial, operational, and maintenance costs involved with Alternative 9A- 1), and compliance with safety and roadway design requirements. Implementation of Alternative 9- 1 would involve construction of a fixed bridge (i.e., eliminating the existing bascule bridge), which would require a realignment of the existing ICWW in Beach Thorofare. Realignment of the ICWW would require dredging important benthic habitats, including shellfish beds, in Beach Thorofare.

The FWS responded to NJDOT's August 19, 2000, letter and Preliminary DEIS in a letter dated September 21, 2000. However, these comments were not incorporated into the August 2000 DEIS due to time constraints (Qureshi, personal communication, 2000). Therefore, this response serves to reiterate the FWS concerns not addressed in the DEIS and TES.

#### Purpose and Need

The Department questions the need for a fixed bridge, rather than a bascule bridge, to provide an uninterrupted emergency evacuation route for motor vehicles. It appears that an extended closure of a bascule bridge, as proposed under Alternative 9A- 1, would serve as an uninterrupted route to facilitate traffic flow during an emergency evacuation. In addition, it is unlikely, in view of advances in weather forecasting and storm warning procedures, that vessels requiring the opening of a bascule bridge would be in the ICWW during a storm that necessitates emergency evacuation. The DEIS does not provide specific information regarding traffic problems, associated with the existing bascule bridge design, that may have occurred during previous emergency evacuations.

#### Impacts on Benthic Habitat

Information provided in the TES indicates that many of the channels in the northern portions of Great Egg Harbor Bay, such as the proposed project area, provide ideal habitats for a variety of benthic organisms, including shellfish (U.S. Department of Transportation Federal Highway Administration and New Jersey Department of Transportation, 2000a). Although FHWA and NJDOT (2000a) indicate that shellfish beds in Great Egg Harbor Bay are plentiful and widespread, dredging at a relatively large scale, such as proposed for Alternative 9-1, would contribute to Statewide cumulative impacts on shellfish resources. According to the DEIS, Alternative 9A-1 is the only option that would not require maintenance dredging of the ICWW.

Indirect effects of dredging, such as turbidity and substrate alteration, may cause long-term adverse impacts to benthic organisms in the bay. Loss of such resources contributes to the overall degradation of the aquatic ecosystem and, subsequently, fish and wildlife resources in the project

area. In addition, shifting the ICWW approximately 210 feet northward (i.e., within approximately 50 feet of existing saltmarsh), as proposed for Alternative 9-1, would increase the potential for wetland substrate sloughing via wave action.

### Safety Standards and Cost Considerations

While the Department recognizes that NJDOT is constrained by certain safety and design standards, roadway construction options that would satisfy such considerations and further minimize wetland impacts, should be identified and evaluated. Specific safety and design standards should be identified, in relation to previous FWS recommendations, that would minimize adverse impacts on wetlands.

Wetland mitigation expenses and costs associated with dredging and dredged material disposal, may equal or exceed the final costs of Alternative 9A-1, including costs associated with operation and maintenance of a bascule bridge. The Department notes that costs associated with operation and maintenance of a bascule bridge would be minimized via an anticipated 93 percent reduction of bridge openings as proposed under Alternative 9A-1 (U.S. Department of Transportation Federal Highway Administration and New Jersey Department of Transportation, 2000b). A total cost comparison between the alternatives indicates that Alternative 9A-1 would cost an estimated \$7 million less than Alternative 9-1 (U.S. Department of Transportation Federal Highway Administration and New Jersey Department of Transportation, 2000b).

### SUMMARY AND RECOMMENDATIONS

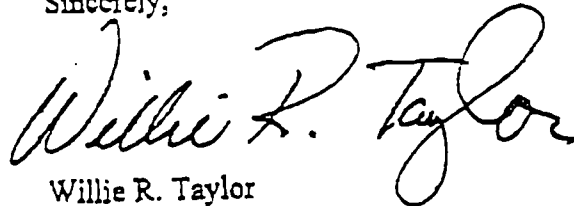
To facilitate further evaluation of alternatives, the Department recommends that the final EIS address specific information regarding traffic problems associated with the existing bascule bridge and roadway safety and design standards. We encourage you to provide this information as early as possible to FWS to allow inclusion of mitigation measures in the final EIS to minimize adverse impacts on wetlands and benthic resources in Great Egg Harbor Bay. Overall, the Department maintains that Alternative 9A-1, if constructed as proposed, would have the least adverse impact on aquatic ecosystems, including estuarine emergent wetlands and shellfish resources within the proposed project area.

Therefore, based on the above-mentioned considerations regarding purpose and need, impacts on wetlands and shellfish resources, safety standards, and cost evaluation, the Department strongly recommends that FHWA and NJDOT reconsider selecting Alternative 9A-1 as the preferred alternative for the Route 52(1) bridge reconstruction project. The Department remains opposed to the selection of alternatives that require dredging of existing benthic habitats, including shellfish beds, in Great Egg Harbor Bay unless adequate mitigation measures can be implemented.

Thank you for the opportunity to provide comments on the DEIS and TES for the proposed reconstruction of the Route 52 causeway. Should you have any questions regarding these comments pertaining to fish and wildlife concerns, please contact the FWS at:

Supervisor, New Jersey Field office  
U.S. Fish and Wildlife Service  
927 North Main Street (Bldg. D)  
Pleasantville, New Jersey 08232  
(609-646-9310)

Sincerely,

A handwritten signature in cursive script that reads "Willie R. Taylor". The signature is written in black ink and is positioned above the typed name and title.

Willie R. Taylor  
Director, Office of Environmental  
Policy and Compliance



JAN 04 2001 09:29

## REFERENCES

U.S. Department of Transportation Federal Highway Administration and New Jersey Department of Transportation. 2000a. *NJ Route 52(1) causeway between City of Somers Point, Atlantic County and Ocean City, Cape May County*, Federal #BRF-0070103, technical environmental study, natural ecosystems. Prepared by Earth Tech, New York, New York, for the U.S. Department of Transportation, Federal Highway Administration and New Jersey Department of Transportation in cooperation with the U.S. Army Corps of Engineers, U.S. Coast Guard, and U.S. Fish and Wildlife Service. 83 pp. + appendices.

2000b. *NJ Route 52(1) Causeway between City of Somers Point, Atlantic County and Ocean City, Cape May County*, draft environmental impact statement, section 4(f) evaluation (volume 1). Prepared by Earth Tech, New York, New York, for the U.S. Department of Transportation, Federal Highway Administration and New Jersey Department of Transportation in cooperation with the U.S. Army Corps of Engineers, U.S. Coast Guard, and U.S. Fish and Wildlife Service. 250 pp. + appendices.

Personal Communication, Qureshi, A. 2000. Environmental Team Member, New Jersey Department of Transportation, Trenton, New Jersey.



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
Habitat Conservation Division

James J. Howard Marine  
Sciences Laboratory  
74 Magruder Road  
Highlands, New Jersey 07732

December 27, 2000

Mr. Nicholas Caiazza  
NJ Department of Transportation  
Division of Project Management  
1035 Parkway Avenue  
P.O. Box 600  
Trenton, NJ 08625

Dear Mr. Caiazza:

As discussed with Mr. Ahmad Qureshi during a telephone conversation on December 12, 2000, we are providing comments on the Draft Environmental Impact Statement (DEIS) for the Route 52 causeway reconstruction from Route 9 to Ocean City, NJ after the comment period has ended. We had not received a copy of the DEIS prior to the due date. The DEIS was sent to us from Earth Tech, Inc. on December 13, 2000.

Our comments include recommendations for the least environmentally damaging alternative and the request to fulfill the requirement to further the conservation and enhancement of essential fish habitat (EFH) in accordance with section 305(b)(2) of the Magnuson-Stevens Act which requires an EFH consultation with the National Marine Fisheries Service for any federal action that may adversely affect essential fish habitat (EFH).

Also, the National Marine Fisheries Service (NMFS) issued a Biological Opinion on November 26, 1996 which was modified on May 25, 1999 and included all dredging activities in the Philadelphia Army Corps of Engineers' District. Provided that all dredging activities comply with the terms and conditions of the Biological Opinion, further consultation with NMFS under Section 7 of the Endangered Species Act will not be necessary. However, should project plans change or should new information become available that modifies the basis for this determination, then consultation should be reinitiated.

We submit that alternative 9A-1 is the least environmentally damaging alternative and therefore should be the preferred alternative under the authority of the Fish and Wildlife Coordination Act and the National Environmental Policy Act of 1969, which states that avoidance and minimization precede compensation for unavoidable adverse impacts on fish and wildlife resources and supporting ecosystems. Alternative 9A-1 would not require realignment of the Intracoastal Waterway (ICWW) and the subsequent dredging within Great Egg Harbor Bay, while the selected preferred alternative, alternative 9-1, would realign a section of the ICWW which would require



new dredging and would impact estuarine emergent wetlands by filling. The information provided in the Technical Environmental Study indicates that the proposed project area provides important habitats for benthic organisms, including shellfish and many species of finfish which would be impacted by the initial dredging and the periodic maintenance dredging that would be required with alternative 9-1.

Pursuant to section 305 (b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), federal agencies are required to consult with NMFS regarding any action they authorize, fund, or undertake that may adversely affect EFH. We assume that the lead federal agency will be either the U. S. Army Corps of Engineers, the Federal Highway Administration or the U.S. Coast Guard. An adverse effect has been defined in the EFH regulations as follows: "Any impacts which reduce the quality and/or quantity of EFH. Adverse effects may include direct (e.g., contamination or physical disruption, indirect (e.g., loss of prey, reduction in species' fecundity), site-specific or habitat-wide impacts, including individual, cumulative, or synergistic consequences of actions." 15C.F.R Section 600.810.

We offer the following pertinent sections from the EFH Interim Final Rule (600.920):

(2)(b) Designation of lead agency.

If more than one Federal agency is responsible for a Federal action, the consultation requirements of 305 (b)(2-4) of the Magnuson-Stevens Act may be fulfilled through a lead agency. The lead agency must notify the National Marine Fisheries Service (NMFS) in writing that it is representing one or more additional agencies.

(c) Designation of non-Federal representative.

A Federal agency may designate a non-Federal representative to conduct an abbreviated consultation or prepare an EFH Assessment by giving written notice of such designation to NMFS. If a non-Federal representative is used, the Federal action agency remains ultimately responsible for compliance with section 305(b)(2) and 305(b)(4) of the Magnuson-Stevens Act.

(c) Use of existing consultation/environmental review procedures.

(1) Criteria. Consultation and commenting under sections 305(b)(2) and 305(b)(4) of the Magnuson-Stevens Act should be consolidated, where appropriate, with interagency consultation, coordination, and environmental review procedures required by other statutes, such as the National Environmental Policy Act (NEPA), Fish and Wildlife Coordination Act, Clean Water Act, Endangered Species Act (ESA), and Federal Power Act. The consultation requirement of section 305 (b)(2) of the Magnuson-Stevens Act can be satisfied using existing or modified procedures required by other statutes if such processes meet the following criteria:

(i) The existing process must provide NMFS with timely notification of actions that may adversely affect EFH. The Federal action agency should notify NMFS according to the same time frames for notification (or for public comment) as in the existing process. However, NMFS should have at least 60 days notice prior to a final decision on an action, or at least 90 days if the action would result in substantial adverse impacts. NMFS and the action agency may agree to use shorter time frames if they allow sufficient time for NMFS to develop EFH conservation recommendations.

(ii) Notification must include an assessment of the impacts of the proposed action on EFH that meets the requirements for EFH Assessments contained in paragraph (g) of this section. If the EFH Assessment is contained in another document, that section of the document must be clearly identified as the EFH Assessment.

(g) EFH Assessments.

(1) For any Federal action that may adversely affect EFH, except for those activities covered by a General Concurrence, Federal agencies must provide NMFS with a written assessment of the effects of that action on EFH. Federal agencies may incorporate an EFH Assessment into documents prepared for other purposes such as ESA Biological Assessments pursuant to 50CFR part 402 or NEPA documents and public notices pursuant to 40 CFR part 1500. If an EFH Assessment is contained in another document, it must include all the information required in paragraph (g)(2) of this section and be clearly identified as an EFH Assessment. The procedure for combining an EFH consultation with other consultation of environmental reviews is set forth in paragraph (e) of this section.

(2) Mandatory contents. The assessment must contain:

- (i) A description of the proposed action
- (ii) An analysis of the effects, including cumulative effect, of the proposed action on EFH, the managed species, and associated species, such as major prey species, including affected life history stages.
- (iii) The Federal agency's views regarding the effect of the action on EFH.
- (iv) Proposed mitigation, if applicable.

(3) Additional Information.

If appropriate, the assessment should also include:

- (i) The results of an on-site inspection to evaluate the habitat and the site-specific effects of the project.
- (ii) The views of recognized experts on the habitat or species that may be affected.
- (iii) A review of pertinent literature and related information.
- (iv) An analysis of alternatives to the proposed action. Such analysis should include alternatives that could avoid or minimize adverse effect on EFH, particularly when a action is non-water dependent.
- (v) Other relevant information.

(j) Responsibilities of Federal action agency following receipt of EFH conservation recommendations.

(1) As required by section 305(b)(4)(B) of the Magnuson-Stevens Act, the Federal action agency must provide a detailed response in writing to NMFS and the appropriate Council within 30 days after receiving an EFH conservation recommendation. Such a response must be provided at least 10 days prior to final approval of the action, if a decision by the Federal agency is required in fewer than 30 days. The response must include a description of measures proposed by the agency for avoiding, mitigating or offsetting the impact of the activity on EFH. In the case of a response that is inconsistent with NMFS conservation recommendations, the Federal Action agency must explain its reasons for not following the recommendations, including the scientific justification for any disagreements over the anticipated effects of the proposed action and the measures needed to avoid, minimize, mitigate, or offset such effects.

(2) Further review of decisions inconsistent with NMFS or Council recommendations.

If a Federal action agency decision is inconsistent with a NMFS EFH conservation recommendation, the Assistant Administrator for Fisheries may request a meeting with the head of the Federal action agency, as well as any other agencies involved, to discuss the proposed action and opportunities for resolving any disagreements. If a Federal action agency decision is also inconsistent with a Council recommendation made pursuant to section 305(b)(3) of the Magnuson-Stevens Act, the Council may request that the Assistant Administrator initiate further review of the Federal agency's decision and involve the Council in any interagency discussion to resolve disagreements with the Federal agency. The Assistant Administrator will make every effort to accommodate such a request. Memoranda of agreement or other written procedures will be developed to further define such review processes with Federal action agencies.

(k) Supplemental consultation. A Federal action agency must reinitiate consult with NMFS if the agency substantially revises its plans for an action in a manner that may adversely affect EFH or if new information becomes available that affects the basis for NMFS's EFH recommendations.

In the future, the EFH assessment and the NMFS conservation recommendations can be incorporated into a DEIS document. Because the EFH section was not included in the NJ Route 52 DEIS document, we will send a letter to you with the conservation recommendations after a separate EFH assessment has been received and reviewed by this office. The federal action agency's EFH assessment, the NMFS conservation recommendations and the federal action agency's response can then be included in the final EIS.

According to section 305(b)(4)(B) of the MSA, the federal action agency has a statutory requirement to provide a written response to NMFS within 30 days after receiving the NMFS's EFH Conservation Recommendations. If the federal action agency is not able to respond fully within 30 days, they may send a preliminary response stating that they have received NMFS recommendations, will consider them fully, have not yet made a decision on the project, but will respond to NMFS recommendations in detail, in a letter or within the final EIS or EA. The federal action agency then must respond to the recommendations by letter or within the final EIS or EA in a section or chapter clearly labeled as such. The federal action agency response must be provided to NMFS at least 10 days before they sign a Finding of No Significant Impact or a Record of Decision, to allow time for dispute resolution if necessary. The federal action agency response must include a description of measures proposed by the USACE for avoiding, mitigating, or offsetting the impact of the activity on EFH, as required by section 305(b)(4)(B) of the MSA and 50 CFR 600.920(j). In the case of a response that is inconsistent with NMFS conservation recommendations, the federal action agency must explain its reasons for not following the recommendations, including the scientific justification for any disagreements with NMFS over the anticipated effects of the action or the measures needed to avoid, minimize, mitigate, or offset such effects.

For EFH information, go to the following website: [www.nero.nmfs.gov/ro/doc/newefh.html](http://www.nero.nmfs.gov/ro/doc/newefh.html). If you need additional information regarding this matter, please contact Anita Riportella at (732) 872-3116.

Sincerely,

Stanley W. Gorski  
Field Offices Supervisor

rr/route52.dci  
cc: EPA, Region II  
FWS, Pileasville  
NIDEP, LURP  
NJF&W  
MAFMC - J. Hoff  
NEFMC - M. Penney  
Qureshi, A., NJDOT



State of New Jersey

Department of Environmental Protection

Christine Todd Whitman  
Governor

Robert C. Shinn, Jr.  
Commissioner

Land Use Regulation Program  
P.O. Box 439, Trenton, NJ 08625-0439  
Fax # (609) 777-3656  
www.state.nj.us/dep/landuse

Andras Fekete  
Manager, Bureau of Environmental Services  
Division of Project Management  
NJ Department of Transportation  
P.O. Box 600  
Trenton, New Jersey 08625-0600

December 12, 2000

RE: DFIS/Section 4(f) Evaluation for the Proposed Reconstruction of Route 52(1),  
From Somers Point, Atlantic County to Ocean City, Cape May County, New Jersey  
Federal Project No: BRF-7(103)

Dear Mr. Fekete:

The New Jersey Department of Environmental Protection, Land Use Regulation Program, has reviewed the "Draft Environmental Impact Statement/Section 4(f) Evaluation, Volumes 1 and 2, NJ Route 52(1) Causeway between City of Somers Point, Atlantic County and Ocean City, Cape May County" dated August 2000.

The Program concurs with the United States Fish and Wildlife Service, in that a review of the alternatives selected for detailed environmental evaluation (i.e., Alternatives 5A, 5B, 5C, 9 and 9A) indicates that Alternative 9A would have the least adverse impacts to fish and wildlife resources, including estuarine wetlands and marine ecosystems of Great Egg Harbor Bay. Also, Option 1 (of the three causeway options), would have the least adverse impacts to the coastal wetlands. This alternative does not require dredging or relocation of the existing Intracoastal Waterway. Other alternatives that would require dredging or ICWW relocation would have an adverse impact on shellfish, submerged aquatic vegetation, coastal wetlands and finfish migratory pathways.

Thank you for the opportunity to review and comment on the DEIS for the proposed reconstruction of the Route 52 causeway. If you have any questions regarding these comments, please contact Janet Stewart of my staff at (609) 984-0288.

Sincerely,

Kevin Broderick  
Section Chief

Land Use Regulation Program

RECEIVED

DEC 21 2000

U.S. Department  
of Transportation

United States  
Coast Guard



Commander  
United States Coast Guard (Aowb)  
Fifth Coast Guard District

431 Crawford Street  
Portsmouth, Va. 23704-5004  
Staff Symbol: Aowb  
Phone: (757)398-6227  
FAX: (757) 398-6334

16590  
12 Dec 00

Mr. Andras Fekete  
New Jersey Department of Transportation  
P.O. Box 600  
Trenton, New Jersey 08625-0600

Dear Mr. Fekete:

This is in response your letter dated October 6, 2000 requesting comments on the Draft Environmental Impact Statement/Section 4(f) Evaluation for the proposed reconstruction of Route 52(1) from Somers Point, Atlantic County to Ocean City, Cape May County, New Jersey.

The DEIS/Section 4(f) Evaluation has been reviewed by Ms. Linda Gilliam of my bridge staff. The proposed vertical clearances for the proposed new bridges across Elbow Thorofare, Rainbow Channel, Ship Channel and Beach Thorofare appear adequate at this time. Even though these clearances appear to meet the reasonable needs of navigation, a final determination will be made after we issue a public notice soliciting public comment on the proposed new bridges. If we received comments objecting to the proposed clearances, the concerns of those objecting will have to be cleared up before a Coast Guard Bridge Permit will be issued.

As stated in our May 25, 2000 letter, a complete listing of adjacent property owners, commercial businesses located along the route of the proposed project and commercial waterway users will need to be provided to us when you submit your application for a bridge permit.

A copy of our Bridge Permit Application Guide is enclosed for your use. We strongly recommend that you carefully review this Guide since the information provided in it will ensure that our requirements for applying for a Coast Guard Bridge Permit are met.

If you should have any questions regarding this matter, please contact Ms. Linda Gilliam, Bridge Management Specialist, at (757) 398-6227.

Sincerely,

A handwritten signature in black ink, appearing to read "Ann B. Deaton".

ANN B. DEATON  
Chief, Bridge Administration Section  
By direction of the Commander  
Fifth Coast Guard District

RECEIVED

DEC 21 2000

BEA



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

DEC - 3 2000

Mr. Robin Schroeder  
Programs Operations Director  
Federal Highway Administration  
840 Bear Tavern Road, Suite 310  
West Trenton, New Jersey 08628

Rating: EC-2

Dear Mr. Schroeder:

The Environmental Protection Agency (EPA) has reviewed the Federal Highway Administration's (FHWA's) draft environmental impact statement (draft EIS) for the NJ Route 52 (I) Causeway project (CEQ# 000354), located in Somers Point Atlantic County, and Ocean City, Cape May County, New Jersey. This review was conducted in accordance with Section 309 of the Clean Air Act, as amended (42 U.S.C 7609, PL 91-604 12 (a), 84 Stat. 1709), the National Environmental Policy Act and the Council on Environmental Quality's regulations implementing NEPA (40 CFR Parts 1500-1508).

The draft EIS states that the proposed project will reconstruct and widen 1.0 kilometer of Route 52, also known as MacArthur Blvd., between Route 9 and the traffic circle in Somers Point; convert the circle to a signalized intersection, and reconstruct 2.2 kilometers of the causeway across Great Egg Harbor Bay from that intersection to Bay Avenue in Ocean City. The alternatives that were developed and evaluated for this project include: no-build, and two build alternatives with three variations each. Those variations involved the possible bridge types that can be considered such as fixed or bascule bridges and the type of causeway either on fill or on structure. The alternatives considered were based upon a need to replace deteriorating bridges and improve traffic circulation and reduce conflicts between marine traffic and vehicle traffic on the causeway. Alternative 9, option 1, (two fixed bridges and a causeway on structure), was identified as the preferred alternative. Based on our review, we offer the following comments.

Purpose and Need and Alternatives:

We have concerns regarding the project Purpose and Need. The draft EIS mentions bridge deterioration, bridge openings delaying traffic, and high volume of traffic as some of the issues that serve as the basis for the need to replace the causeway. However, other issues that are offered as reasons for action are not adequately described. For example, the draft EIS does not provide rationale for the need to improve the end point curves to accommodate a specific design speed, nor is there a reason given as to why this particular route must serve as the evacuation route in the event of a storm and other routes either do not or cannot. The draft EIS also did not provide rationale for continuing to allow access to fishing areas adjacent to the roadway. A number of these issues affect how the alternatives are determined. Furthermore, we believe that in certain instances, (e.g., providing access to the Ocean City visitors center in the described options), could cause greater impacts to environmentally sensitive areas than is necessary. The final EIS should discuss the Purpose and Need with more detail and discuss why certain provisions of the



alternatives are being proposed, such as the need to provide access to recreational areas, provide for a certain design speed, or improve function of the causeway as an emergency evacuation route.

Our greatest concern is that the Purpose and Need makes no mention of a need to realign the Ship Channel or the Intercoastal Waterway (ICWW), which in turn involves dredging. This would seem to be contrary to the avoid or minimize any shift in the alignment of the existing navigational channels objective stated on page I-20. Of the five build alternatives, four would involve the realignment of the ICWW and the Ship Channel. However, the draft EIS provides no detail as to why these channels need to be realigned. We can only ascertain, primarily from the alternatives cross section diagrams, that due to the design of the new bridges the channels need to be realigned to bring the ships under the highest point of the bridge which would be in a different location from the current point of crossing. If this is the case, that issue should be discussed in much greater detail. While we agree that the project is needed to improve traffic mobility as much as possible, the draft EIS did not make a clear case for the need to achieve the 99% marine traffic passage without a bridge opening. The draft EIS states that having a lower bascule bridge that allows 93% of marine traffic passing without opening the bridge would amount to perhaps two openings per day. Therefore, we agree with the statement in the draft EIS that this number of bridge openings is acceptable creating minimal delay, certainly better than current conditions and believe that it should not be necessary to dredge any portion of the channels if there are other alternatives available.

It appears in the draft EIS that some alternatives may have been rejected due to their impact on businesses along the project right of way in Ocean City. Also, alternatives that may modify the approach into Ocean City were removed for economic reasons, though those are not fully discussed. While we can appreciate FHWA's objective to avoid causing economic difficulties to businesses along Route 52 in Ocean City, those alternatives should have been more completely discussed. If lengthening the Bridge causeway further into Ocean City provides an adequate approach and grade to achieve the needed height to allow the greatest majority of ships to pass underneath thereby avoiding the realigning of the ICWW, then those alternatives should have been brought forward. By comparing these alternatives against the alternatives that demand the realignment of the ICWW and the Ship Channel, the public and decisionmaker may weigh the level of impacts on both the economics and the environment.

The draft EIS suggests options for the approach to the Ocean City Visitors center located on one of the Rainbow Islands. We strongly recommend the alternative that completely avoids impacting the area of submerged aquatic vegetation. We suggest that the final EIS discuss this area in greater detail and discuss the potential for indirect impacts due to the close proximity of the road and Visitors Center approach.

#### Impacts to Waters of the U.S.:

The draft EIS states that there could be anywhere from 5.48 acres to .37 acres of direct fill to wetlands depending on the alternative, though these numbers do not reflect the potential acreage of dredging or filling impacts to other non-wetland waters of the U.S. (e.g., from channel realignment activities). While these other waters of the U.S. may not contain obligate wetland plant species it does not diminish their importance to the overall

ecosystem and should therefore be discussed in conjunction with the vegetated wetlands eco-tones. The final EIS should contain a more complete discussion of the impacts to all jurisdictional waters of the U.S. The final EIS should also discuss in greater detail the disposal plan for any dredge material and a more complete description of the indirect impacts resulting from this disposal.

We are concerned that the draft EIS did not provide any detail regarding mitigation for impacts to waters of the U.S. such as wetlands and other special aquatic sites. While a 2-1 mitigation ratio is often assumed, that ratio depends upon the functions and values of the waters and wetlands in question. Based upon the brief description in the draft EIS, these waters of the U.S. are highly functioning wetlands and have significant value not only as wildlife habitat and water quality filtration, but recreational values as well. The draft EIS states that there are different kinds of wetlands that may be impacted by the alternatives, such as tidal emergent wetlands, upland wetland types, and mudflats. All of these must be considered for mitigation on an in-kind basis. The wetlands impacts and mitigation sections of the draft EIS are insufficient to allow us to determine whether the functions and values of the waters of the U.S. and wetlands in particular are preserved. We strongly suggest that the final EIS contain a much more detailed discussion of the mitigation strategies that will be employed to ensure the continued well being of this complex of water types.

Also, we recommend the selection of the split viaduct option, if it is feasible, in order to mitigate the 7 acres of shading impact encountered with alternatives 5 A, B, and C. However, that option may not be practicable in order to mitigate for nearly 2 acres of shading impact encountered with alternative 9 and 9A. Yet, those impacts should be mitigated through either replacement or enhancement at an appropriate ratio and included in the overall mitigation plan.

#### Impacts to Water Quality:

The proposed project is located in the New Jersey Coastal Plain/Kirkwood-Cohasey Aquifer System, therefore our review was conducted in accordance with Section 1424(e) of the Safe Drinking Water Act (SDWA) and the 1984 Memorandum of Understanding between EPA and FHWA regarding construction of Federal projects in designated Sole Source Aquifer areas. Based on the information provided, we do not anticipate that the proposed project would result in significant adverse impacts to ground water quality.

We also encourage FHWA to vigorously pursue the measures outlined in the draft EIS to reduce and eliminate untreated roadway runoff from entering open surface waters.

#### Impacts to Air Quality:

The draft EIS states that neither general or transportation conformity apply to this area, where the 1-hour ozone standard was revoked. However, the 1-hour ozone standard will be reinstated in January 2001. Therefore, the final EIS must demonstrate that this project comes from a conforming Long Range Plan and Transportation Improvement Program in order to demonstrate conformity. If the project is not included in a conforming plan and TIP then a project level conformity analysis must be done and included in the final EIS.

In a related matter, the technical environmental study shows the emission factors developed using the Mobile Sa-h Model. However, the New Jersey enhanced motor vehicle inspection and maintenance program assumptions are incorrect. The vehicle distribution according to the program network should be 70% centralized and 30% decentralized for both pre- and post-1999 programs. The modeling should be revised to reflect this change.

#### Impacts to Coastal Zone:

We are very concerned that the draft EIS made no mention of the project's compliance with the Coastal Zone Management Plan (CZMP) for New Jersey. The Coastal Zone Management Act (CZMA) requires that federal agencies' programs and projects must be consistent with the policies of the state coastal zone management programs when conducting actions which affect the coastal zone. The federal agency must review the state CZMP to determine whether the activity would be consistent with the plan and then notify the State of its determination. The federal agency must prepare a written consistency determination which includes: a detailed description of the action, its associative facilities, and coastal zone effects; a brief statement of how the activity would be consistent with the state CZMP, and data to support that determination. We strongly encourage FHWA to contact the New Jersey Department of Environmental Protection, to discuss the plans for the causeway and the bridge options in particular. The final EIS should contain a detailed discussion concerning the applicability of the CZMA and the state CZMP for the proposed project.

#### Indirect and Cumulative Impacts:

We are seriously concerned with the impact from the dredging of the ICWW and the Ship Channel and the fact that the draft EIS does not provide enough detail to determine the full impact on the environment. For example, the indirect impacts from the dredging to the shell fish beds and wetlands on the Rainbow Islands is not discussed. The final EIS should discuss this issue in greater detail.

Finally, the draft EIS failed to discuss the indirect and cumulative impacts in particular on water quality, wetlands and other waters of the U.S., socio-economics, and land use. This is a serious omission. It is our belief that the cumulative impacts from the removal of the old causeway and construction of the new structures, may have a significant cumulative effect on those resources. In order to rectify this, the final EIS must contain a complete analysis of all past, present and reasonably foreseeable actions undertaken by both federal and nonfederal agencies, which focuses on affected resources and communities. We strongly recommend that FHWA address all of the cumulative and indirect impacts from spatially and temporally related projects, including potential impacts that may be out of direct control of FHWA.

In light of all of our concerns and comments regarding this project, we are rating this project as EC-2, Environmental Concerns, Insufficient Information, (see our enclosed "summary of rating definitions and follow-up actions"), because we have concerns regarding the purpose and need, and lack of a cumulative impacts analysis and the impacts to air quality and waters of the U.S. and the lack of a mitigation plan for those impacts to wetlands and waters of the U.S. However,

based upon our review, alternative 9A option 1 would appear to be the environmentally preferable alternative, particularly because neither channel would need dredging and realignment under this option, lessening the impacts to waters of the U.S. and wetlands.

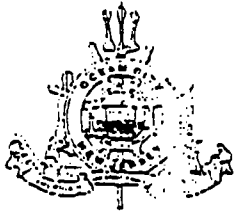
We look forward to speaking with you soon. If you have any questions concerning this letter, please contact David Carlson of my staff at (212) 637-3502.

Sincerely yours,

A handwritten signature in black ink, appearing to read "R. Hargrove". The signature is written in a cursive style with a large initial "R" and a checkmark-like flourish at the end.

Robert W. Hargrove, Chief  
Strategic Planning and Multi-Media Programs Branch

Attachments (1)



# CITY OF OCEAN CITY

AMERICA'S GREATEST FAMILY RESORT

PLANNING & COMMUNITY DEVELOPMENT

December 7, 2000

Nicholas Caiazza  
NJDOT - DIVISION OF PROJECT MANAGEMENT  
1035 Parkway Avenue  
P.O. Box 600  
Trenton, NJ 08625-0600

Re: ROUTE 52 RECONSTRUCTION PROJECT -  
DRAFT ENVIRONMENTAL IMPACT STATEMENT

Dear Mr. Caiazza:

The following comments pertain to our review of the above referenced document. All comments pertain to "Section 3 - Affected Environment/Environmental Consequences."

DEIS Reference

Statement/Comment

Page III-169 What is the basis for the statement, "Zoning is considered to have a negative impact on the investment and economic growth in the central area (3<sup>rd</sup> Street to 15<sup>th</sup> Street)"? This statement may have been derived from an economic study that was used to justify some revisions to the City's zoning code. One of the primary objectives of the Old City Overlay Zone, created in 1997, was to encourage redevelopment and investment in the central (old City) area. In view of the positive steps taken by the City, this statement should either be modified or removed.

Page III-170 In addition to the master plan documents cited, it should be noted that the City Planning Board adopted a Reexamination Report on October 17, 2000. A copy of this document is enclosed for your review.

Page III-186 Land Use/Social Impacts - Under the alternatives considered, the touchdown point of the reconstructed road will be at Pleasure Avenue. The raised profile of this new road will block access to/from Palen Avenue. At this location a cul-de-sac and a one-way through street from Palen Avenue to Pleasure Avenue are proposed as design options. The report indicates that the cul-de-sac is more favorable to and was developed in response to the residents of Bridgeport condominiums.

*Please refer to comments in next paragraph regarding the Information Center and Palen Avenue design.*

861 ASBURY AVENUE, OCEAN CITY, NJ 08226  
609-525-9371 FAX 609-525-0823

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Page III-190 Ocean City Information Center – The report notes that all of the build alternatives would affect access to this facility. The City's primary concern is the loss of visibility associated with this project. The reduced visibility will substantially affect the viability and usefulness of this facility. The report cites three options to mitigate these impacts. Neither Option A nor Option B address this issue albeit the use of signs.

To date, there has been no substantive dialog between the City and NJDOT regarding the Information Center. The City is anxious to discuss alternative solutions to this concern due to the importance of this facility to the local economy. A suitable location for the new Information Center may exist in the properties proposed for acquisition between Palen Avenue and Pleasure Avenue. This location has high visibility for visitors entering the City and appears to contain sufficient area for a small facility and associated parking. The feasibility of using this site for a new information center should be considered as the Palen Avenue access design progresses.

Page III-191 Dredge Material Disposal – The report notes that all causeway options would result in the loss of the City's existing dredged material disposal facility along Route 52. The report indicates that direct access to this site from Route 52 will not be feasible, and that without new access provisions via the Information Center this facility will not be accessible. The report suggests that the effect of losing this site is limited since the City has other approved/permitted facilities available for this purpose.

The suggestion that loss of this spoils site will have only limited impact on the City is erroneous. Although the capacity of this site is relatively limited, this is the only spoils site in this area available to the City. A mechanism to compensate the City for loss of this site should be provided as part of this project.

Page III-193 Local Fiscal Resources – The report suggests it likely that three properties will be acquired by the State for this project: one is on an island, and two are along 9<sup>th</sup> Street. It should be noted that the owner of the property identified as OC-11 (Dockside Café and Marina Speed Boat Rentals) was granted site plan approval by the Planning Board November 1, 2000. This approval, when perfected and constructed, will result in a 3,500 square foot 2-story retail/office building, and nine parking spaces with access onto Pleasure Avenue.

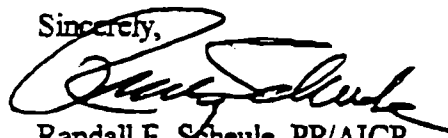
Page III-206 Visual Impact –Figure 3.7-2 (the proposed wall at the end of Palen Avenue) depicts what appear to be concrete/cinder block as the wall material. Assuming this illustration is conceptual in nature, the City strongly recommends the use of split face decorative block, native stone or similar materials in all high visibility areas to enhance the appearance of all improvements.

Appendix A Alternative 9A Profile – The 100-year flood elevation depicted on this drawing at Beach Thorofare do not comport with the base flood elevations noted on the 1984 FEMA maps. There appears to be a variation in excess of two (2) feet in Zone A7, and over four (4) feet in Zone V8. These values, and others dependent upon them, should be evaluated and revised as necessary.

As part of this project, the NJDOT should consider increasing the elevation of 9<sup>th</sup> Street to the greatest practical extent to improve access during times of high tide and storm conditions. It appears that the street elevation proposed between Pleasure Avenue and Bay Avenue is less than four (4) feet.

Thank you for your attention to these concerns. Please contact this office should there be any questions regarding the matters noted herein.

Sincerely,



Randall E. Scheule, PP/AICP  
Director of Planning and Development

C: Dennis Campbell, Economic Development  
Michael Dattilo, Community Services  
George Savastano, Public Works  
Kit Wright, Environmental Office

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State of New Jersey

Christine Todd Whitman  
Governor

Department of Environmental Protection

Robert C. Shinn, Jr.  
Commissioner

Office of Program Coordination

PO Box 418

Trenton, NJ 08625-0418

Phone 609-292-2662

Fax 609-292-4608

lschmidt@dep.state.nj.us

December 5, 2000

Andras Fekete  
Manager, Bureau of Environmental Services  
Division of Project Management  
New Jersey Department of Transportation  
PO Box 600  
Trenton, New Jersey 08625-0600

RE: Route 52 (1) Causeway  
Somers Point, Atlantic County to Ocean City, Cape May County  
Federal Highway Administration Project No. BRF-7(103)  
Draft Environmental Impact Statement Comments

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DEC 12 2000

Dear Mr. Fekete:

BEA

The Office of Program Coordination of the New Jersey Department of Environmental Protection (NJDEP) has completed its review of the Draft Environmental Impact Statement (EIS) and Section 4(f) Evaluation for the proposed Route 52 (1) Causeway from Somers Point, Atlantic County to Ocean City, Cape May County (Federal Highway Administration (FHWA) Project No. BRF-7(103)). The NJDEP recognizes and supports the need to replace the existing Route 52 Causeway. We offer the following comments for your consideration regarding natural resources, cultural resources, parkland, noise impacts, and regulatory requirements.

**NATURAL RESOURCES**

The Department's Division of Fish and Wildlife (DFW) has no objection to either of the two replacement scenarios that remain viable, Alternative 9 (9, 9A) that utilize most of the existing Route 52 alignment. While Alternative 9 requires dredging/minor island loss to realign the Intracoastal Waterway (ICWW), we do not expect it to be a significant environmental impact and would leave the preference of alternative 9 or 9A to the needs and discretion of the New Jersey Department of Transportation (NJDOT). The remaining Alternative 5 proposals, creating an entire new alignment west and parallel to the existing Route 52, are not recommended by the DFW since they would have more environmental impacts (high value clam habitat impacts, additional tidal wetland/SAV (submerged aquatic



vegetation) shading, channel dredging/island loss, closer proximity to the heron rookery on Cowpens Island). The DFW has no major problem with the selection of the "initially" preferred Alternative 9 (Option 1) (page III-247).

In regard to the three options proposed for use on Alternative 9/9A, Options (1) *alignment on structure* and (2) *embankment retained between edge walls* are generally preferred since they would reduce wetland/intertidal impacts. Option (3) *embankment with side slopes* is not readily acceptable since it would enlarge the causeway's alignment into wetland areas. However, it should be noted that the DFW would accept a combination of Options 1 and 2 where each would make environmental sense/reduce costs when located over land (islands); options 3 may also have limited acceptability if additional pull-off areas are needed for island access (angler, Green Acres access).

Since the NJDOT has continued to coordinate with the DFW and incorporate most fish/wildlife concerns into the project design, major resource impacts will be avoided. However, there are still some fish and wildlife concerns that need to be further addressed in the Final EIS, namely, diamondback terrapin protection and angler access.

### **Diamondback Terrapin Concerns**

For any use of Alternative 9/9A option 3, the Endangered and Nongame Species Program (ENSP) of the DFW notes concerns relative to road mortality on diamondback terrapins; they would need to see measures taken to reduce incidences, such as:

- Constructing barriers (like low fences) along shoulders of the highway to prevent terrapins crawling from the marsh or water onto the filled highway area;
- Bulkheading along filled or water onto the filled/highway areas; and
- Ensuring that filled areas are densely re-vegetated to reduce their attractiveness to nesting terrapins (alternatively, some filled areas can be specifically designed to provide nesting habitat, as long as adequate measures are included to curtail movement of nesting females and hatchlings from the proposed roadway).

Final designs should be provided to the ENSP for their review and approval. If the "initially" preferred Alternative 9 with Option 1 becomes the selected alternative, then this issue is no longer a concern since the causeway would be on structure.

### **Angler Access Concerns**

One area of emphatic concern is angler access (continued and/or enhanced) relative to the recreational uses of this section of Great Egg Harbor Bay/Ship Channel/Elbow Thorofare/ and particular, Rainbow Channel. From the perspective of the DFW, it appears that the recreational information in the Draft EIS downplays the importance of this area for recreational angling. We suspect the informal surveys did not interview the appropriate groups (true anglers, fishing

clubs) to obtain the required information. In fact, it is the opinion of the DFW that Rainbow Channel meets the requirements for a "Prime Fishing Area" and is purposely targeted by the angling public because of fishing success and concentration of fishes. It is, therefore, unlikely that anglers would just give up this targeted area and move to another fishing spot as indicated on pages III-183 and III-196. In fact, public waterfront areas are rapidly disappearing and this project provides a good opportunity, through NJDOT design/assistance, to replace or even enhance recreational access for the benefit of the public. The DFW can help guide the NJDOT on this issue.

While the Draft EIS provides some descriptions of recreational access efforts albeit disjunct, it also notes that recreational access will be reduced (under all build alternatives (page III-243), including Alternative 9 (page III-237)). Given the use and value of this resource in the area, such access should not be reduced; efforts need to be made toward maintaining and enhancing this access. A clear and concise description with drawings/designs should be provided in the Final EIS, moreover, it should be consolidated in one section of the report. Further, essential coordination between the NJDOT and the DFW needs to be developed to reach an acceptable access proposal; coordination with regional marine biologist, John McClain (609-748-2020) and regional shellfish biologist, Jeff Norman (609-748-2040) is suggested. The staff of the DFW would be willing to meet as necessary.

The following comments from the marine staff of the DFW highlights access issues and provide the NJDOT with specific areas of concern for future coordination:

- The proposed fishing pier in Somers Point should be designed to extend further out in Ship Channel; a similar pier (or use of the old causeway) should be considered/designed on the opposite side of Ship Channel; access to the island between Ship Channel and Elbow Thorofare should be created by extending the recreational walkway across Elbow Thorofare and/or by providing stairs down to the island from the new bridge/causeway;
- On the second island (between Elbow Thorofare and Rainbow Channel, the number of parking spaces (16) needs to be scrutinized (increased) to ensure that parking for all users (anglers/wildlife viewers, etc.) is sufficient, this is a high use area for anglers; a similar concern is expressed on the Ocean City Visitor's Center island, parking here must be shared with sightseers, visitors, and very high (traditional) use by anglers; Option B for the Visitor's Center and access is supported by the DFW;
- It should be made clear that legal fishing will be allowed on the Rainbow Channel and Elbow Thorofare bridges without any restriction from the communities or FHWA/NJDOT; further fishing access should be provided off both sides of the bridges; (note: fishing access has been allowed on the Corsons Inlet Bridge (and designed with overhanging platforms) as well as the Longport Bridge and 96<sup>th</sup> Street Bridge in Stone Harbor); special designs for safety and angling may be required;
- The Draft EIS does not clearly indicate the height of the proposed causeway over the channels; concern here is that they may be too high for some fishing;

if this is so, consideration should be given to lowering the bridge crossings over the existing non-navigable channels;

- If feasible, a portion of the existing Rainbow Channel and Elbow Thorofare bridges should be retained as fishing piers; i.e. for the entire channel crossing or for only a portion of the crossing from each shore;
- A clarification is needed on the proposed recreational walk and the pedestrian sidewalk; if they are grade separate, then their depiction on *Access to Recreational Area Rainbow Island* needs to be corrected since the recreational walk appears to be on structure with the sidewalk; and
- Paths and walkways on the islands need to be developed fully and lead to terminal fishing areas near or under the new causeway at the edges of all the islands, a detailed design of walkways, paths and bulkheads or small pier terminuses needs to be provided.

## CULTURAL RESOURCES

The NJDEP's Historic Preservation Office (HPO) concurs with the Draft EIS that Alternatives 5A, 5B, 5C, 9 and 9A will have an **adverse effect** on **three (3) historic architectural properties**. The three (3) properties are **World War Memorial Bridge over Route 52 Ship Channel, Bay Front Historic District, and Dockside Café/Marina**. A Memorandum of Agreement (MOA), therefore, must be developed in consultation amongst Federal Highway Administration (FHWA), New Jersey Department of Transportation (NJDOT), and the HPO, to minimize and mitigate the adverse effects that preferred alternative will have on those three (3) historic architectural properties. This project has also been reviewed by the HPO pursuant to Section 106 Review of the National Historic Preservation Act (NHPA) of 1966 as amended.

Stipulations of the MOA must include but not be limited to the following items to mitigate the direct adverse impacts on **World War Memorial Bridge over Route 52 Ship Channel**:

- Recordation of **World War Memorial Bridge over Route 52 Ship Channel** to Historic American Engineering Record (HAER) standards;
- Reuse or market components of the bridge structure;
- Provide interpretive displays and/or educational materials produced as a supplement to the HAER recordation;
- Place visual displays of the historic bridge on the acquired Gulf station property adjacent to the historic site, where parking would be possible; and
- Possible conversion of the north viaduct approach, north of the bascule span, into a recreational/fishing pier.

Stipulations of the MOA must also include but not be limited to the following items to minimize the visual adverse impacts on the setting of **Bay Front Historic District, and Dockside Café/Marina**:

- Incorporate architectural components and detail of the historic bridge into the design of the new bridge structures;
- Investigate architectural finishes for edge walls of proposed new bridge structures which will be compatible with character defining features and materials of the historic architectural properties;
- Provide plantings of indigenous species along the base of edge walls of proposed new bridge structures;
- Use the longest spans economically feasible to minimize the visual clutter that piles usually introduce; and
- Employ landscaping at the bridge touchdown areas in Ocean City and Somers Point to soften the appearance of proposed new construction.

In addition, because **Bay Front Historic District** and **Somers Point Historic District** are listed in the New Jersey Register of Historic Places Act (NJRHPA) of 1970 as amended (N.J.S.A. 13:1B-15.131 as implemented by N.J.A.C. 7:4-7.1). The NJDOT, therefore, must submit an **Application for Project Authorization under the New Jersey Register of Historic Places Act** for the HPO to determine the impacts this project might have on those properties pursuant to the NJRHPA.

Please contact HPO staff Carl Nittinger at 609-984-014 if you have any questions concerning the above review comments.

## **PARKLAND**

The Draft EIS addresses the various construction alternatives in regard to impacts to parkland of Ocean City, specifically the salt marsh islands. Ocean City has previously received Green Acres funding so all existing parkland comes under the jurisdiction of the NJDEP's Green Acres Program.

The NJDOT is aware of the requirements that any non-conservation or non-recreational use of parkland is a diversion that requires prior approval of the Commissioner of the NJDEP and the New Jersey State House Commission through the Green Acres Program. The build alternative selected would be required to minimize the impacts to parkland and the land would be required to be replaced. Options, such as building on structure and within walls would minimize impacts to the parkland. Public access to the parkland must be maintained or preferably improved. Improvements to parkland are desirable.

The State House Commission Application for the disposal of the parkland for road purposes would need to be filed by Ocean City with the help of the NJDOT, and must include replacement lands and restoration of any temporarily impacted parkland. The process is very interactive and requires approximately six to twelve months. As specific plans are selected, a review by the Green Acres Program is necessary to determine the extent of the diversion.

## NOISE IMPACTS

The Draft EIS evaluates the effectiveness of the construction of two noise barriers adjacent to MacArthur Boulevard in Somers Point. The NJDEP advocates the construction of the noise barriers provided support of the residents of the potentially impacted dwellings.

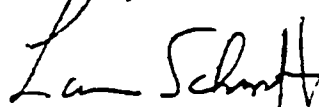
## REGULATORY REQUIREMENTS

The Draft EIS notes various regulatory requirements of our Department that the proposed project will need to comply. These requirements include:

- Compliance with regulations to abandon and replace monitoring wells;
- Compliance with regulations administered by our Department's Land Use Regulation Program with respect to dredging, filling, and pile installation for the construction of the causeway;
- Compliance with regulations for the construction and operation of detention basins and oil/grit separators;
- Compliance with regulations regarding impacts to cultural resources (see above); and
- Compliance with regulations of the Department's Green Acres Program for the diversion of use of parkland.

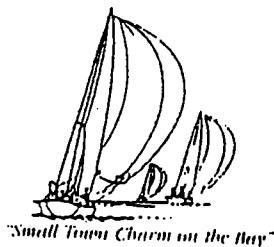
Thank you for the opportunity to be part of the EIS review process. Continued cooperation between the NJDEP and NJDOT is encouraged as the project advances through the design and construction stages.

Sincerely,



Lawrence Schmidt  
Director  
Office of Program Coordination

C: Andrew Didun, NJDEP  
John McClain, NJDEP  
Jeff Norman, NJDEP  
Carl Nittinger, NJDEP  
Ruth Ehinger, NJDEP  
Mike Heenehan, NJDEP



# City of Somers Point

City Hall  
1 West New Jersey Avenue  
Somers Point, NJ 08244  
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John DiMaria  
MAYOR  
December 1, 2000

New Jersey Department of Transportation  
Office of Community Relations  
1035 Parkway Avenue  
P.O. Box 600  
Trenton, NJ 08625

Faxed to: (609) 530-2536 at 1:50 p.m. 12/1/00

Attn: Mr. James Stevenson, N.J. DOT, DCR

Re: New Jersey Route 52 Causeway Project

Dear Mr. Stevenson:

On November 29, 2000 I had a meeting with the business owners along MacArthur Blvd. (Route 52) in reference to the above project. They have no objection to the removal of the circle and the construction of the causeway (Alt. 9).

However, they are vehemently opposed to the widening of Route 52 to 5 lanes. They feel that a five-lane highway would:

1. Adversely affect their businesses
2. Be unsafe for pedestrian and customer crossing.
3. Probably will not resolve the problem of summer traffic flow that is intended to facilitate
4. Each business owner has personal needs which they have tried to have addressed at every hearing but no one listens and responds; for example, the Circle Liquor needs more than one access and others have similar concerns.
5. Most residents along the Blvd. are also opposed to the widening of the road.

December 1, 2000

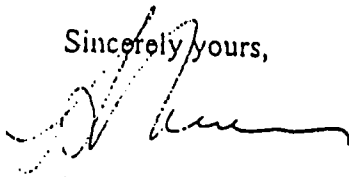
Page 2

Mr. James Stevenson, N.J.DOT, OCR

Each and every business owner has asked individually and collectively that notwithstanding Resolution No. 49 of 2000, we Mayor and Council, help them to get their points across to the D.O.T. Project Supervisor (s) via a letter from us to you prior to December 5, 2000.

They requested a special meeting with Council to air their concerns to us; and they also requested that we set up meetings with our State legislators, Gornley, Blee and LeFevre and possibly with Congressman LoBiondo.

Sincerely yours,



John DiMaria  
Mayor

CITY OF SOMERS POINT



## State of New Jersey

Department of Environmental Protection

Robert C. Shinn, Jr.  
Commissioner

Christine Todd Whitman  
Governor

Division of Fish and Wildlife  
Robert McDowell, Director  
P.O. Box 400  
Trenton, NJ 08623-0400

### MEMORANDUM

To: Lawrence Schmidt, Director  
DEP, Office of Program Coordination

From: Robert McDowell, Director  
Division of Fish and Wildlife

Date: November 16, 2000

Subject: Route 52 (1) Causeway Reconstruction; Draft EIS / Section 4(f) Evaluation

This serves to inform you of the Division of Fish and Wildlife's [DFW] comments on the Rt. 52 Causeway Reconstruction as reported in the Draft EIS / Section 4(f) Evaluation.

The DFW recognizes and supports the need for the replacement of the existing Rt. 52 causeway. Of the two replacement scenarios that remain viable, the DFW has no objection to either of the Alternative 9 [9, 9A] proposals that utilize most of the existing Rt. 52 alignment. While Alternative 9 requires dredging / minor island loss to realign the Intracoastal Waterway [ICWW], we do not expect it to be a significant environmental impact and would leave the preference of Alternative 9 or 9A to the DOT's needs and discretion. The remaining Alternative 5 proposals, creating an entire new alignment west and parallel of the existing Rt. 52, are not recommended by the DFW since they would have more environmental impacts [e.g. high value clam habitat impacts, additional tidal wetland / SAV shading, channel dredging / island loss, closer proximity to the heron rookery on Cowpens Island]. The DFW has no major problem with the selection of the "initially" preferred Alternative 9 (option 1) [page III-247] if it is still the preferred selection.

In regard to the three options proposed for use on Alternatives 9/9A, options (1) *alignment on structure* and (2) *embankment retained between edge walls* are generally preferred since they would reduce wetland / intertidal impacts. Option (3) *embankment with side slopes* is not readily acceptable since it would enlarge the causeway's alignment into wetland areas. However, it should be noted that the DFW would accept a combination of options 1 & 2 where each would make environmental sense / reduce costs when located over land [islands]; option 3 may also have limited acceptability if additional pull-off areas are needed for island access [angler, Green Acres access].



Since the DOT has continued to coordinate with the DFW and incorporate most fish / wildlife concerns into the project design, we have been able to avoid major natural resource impacts. However, there are still some fish and wildlife concerns that need to be further addressed for a Final EIS, namely, diamondback terrapin protection and angler access.

Diamondback Terrapin Concerns:

For any use of Alternative 9/9A option 3, our Endangered and Nongame Species Program [ENSP] notes concern relative to road mortality on diamondback terrapins; they would need to see measures taken to reduce such incidence(s). Measures might be:

- \* constructing barriers [e.g. low fence] along shoulders of the highway to prevent terrapins crawling from the marsh or water onto the filled / highway areas;
- \* bulkheading along filled or water areas to prevent movement as noted above; and / or
- \* ensuring that filled areas are densely re-vegetated to reduce their attractiveness to nesting terrapins [alternatively, some filled areas can be specifically designed to provide nesting habitat as long as adequate measures are included to curtail movement of nesting females and hatchlings from the proposed roadway].

Final designs should be provided to the ENSP for their review and approval. If the "initially" preferred Alternative 9 with option 1 becomes the selected alternative, then this issue is no longer a concern since the causeway would be on structure.

Angler Access Concerns:

One area of emphatic concern is angler access [continued and/or enhanced] relative to the recreational uses of this section of Great Egg Harbor Bay / Ship Channel / Elbow Thorofare / and, in particular, Rainbow Channel. From the perspective of the DFW, it appears that the recreational information in the Draft EIS downplays the importance of this area for recreational angling. We suspect the informal surveys did not interview the appropriate groups [true anglers, fishing clubs] to obtain the required information. In fact, it is the DFW's opinion that Rainbow Channel meets the requirements for a "Prime Fishing Area" and is purposely targeted by the angling public because of fishing success and concentration of fishes. It is, therefore, unlikely that anglers would just give up this targeted area and move to another fishing spot as indicated on pages III-183 and III-196. In fact, public waterfront areas are rapidly disappearing and this project provides a good opportunity, through DOT design / assistance, to replace or even enhance recreational access for the public's benefit. The DFW can help guide the DOT on this issue.

While the Draft EIS provides some descriptions of recreational access efforts albeit disjunct, it also notes that recreational access will be reduced [under all build alternatives (page III-243), including Alternative 9 (page III-237)]. Given the use and value of this resource in the area, such access should not be reduced; efforts need to be made toward maintaining and enhancing this access. A clear and concise description with drawings / designs should be provided in the Final EIS, moreover, it should be consolidated in one section of the report. Further, essential coordination between the DOT and DFW needs to be developed to reach an acceptable access proposal; coordination with regional marine biologist, John McClain [609-748-2020] and regional shellfish biologist, Jeff Normant [609-748-2040] would be necessary. Our staff would be willing to meet as necessary.

The following comments from our marine staff highlights access issues and provides the DOT with specific areas of concern for future coordination:

- \* the proposed fishing pier in Somers Point should be designed to extend further out into Ship Channel; a similar pier (or use of the old causeway) should be considered / designed on the opposite side of Ship Channel; access to the island between Ship Channel and Elbow Thorofare should be created by extending the recreational walkway across Elbow Thorofare and / or providing stairs down to the island from the new bridge / causeway;
- \* on the second island, i.e. between Elbow Thorofare and Rainbow Channel, the number of parking spaces (16) needs to be scrutinized [i.e. increased] to ensure that parking for all users [anglers / wildlife viewers / etc.] is sufficient, this is a high use area for anglers; a similar concern is expressed on the Ocean City Visitor's Center island, parking here must be shared with sightseers, visitors, and very high [traditional] use by anglers; Option B for the Visitor's Center and access is supported by DFW;
- \* it must be made clear that legal fishing will be allowed on the Rainbow Channel and Elbow Thorofare bridges without any restriction from the communities or FHWA / DOT; further, fishing access should be provided off both sides of the bridges; [note: fishing access has been allowed on the Corsons Inlet Bridge [and designed with overhanging platforms] as well as the Longport Bridge and 96<sup>th</sup> Street Bridge in Stone Harbor]; special designs for safety and angling may be required ;
- \* the DEIS does not clearly indicate the height of the proposed causeway over the channels; concern here is that they may be too high for some fishing; if this is so, consideration should be given to lowering the bridge crossings over the existing non-navigable channels;
- \* if feasible, a portion of the existing Rainbow Channel and Elbow Thorofare bridges should be retained as fishing piers; i.e. for the entire channel crossing or for only a portion of the crossing from each shore;
- \* a clarification is needed on the proposed recreational walk and the pedestrian sidewalk; if they are grade separated, then their depiction on *Access to Recreation Area Rainbow Island* needs to be corrected since the recreational walk appears to be on structure with the sidewalk;
- \* paths and walkways on the islands need to be developed fully and lead to terminal fishing areas near or under the new causeway at the edges of all the islands, a detailed design of walkways, paths and bulkheads or small pier terminuses needs to be provided.

We hope this information is of service to you. We look forward to DOT responses to our concerns as well as future meetings on the access issue. ;

c. M. McHugh, DFW Asst. Dir.

T. McCloy, MF Adm.

A. Didun, OER

J. McClain, BMF

J. Normant, BSF

N. Caiazza, DOT



State of New Jersey

Department of Environmental Protection

Division of Parks & Forestry  
Historic Preservation Office

PO Box 404

Trenton, NJ 08625-0404

TEL: (609)292-2023

FAX: (609)984-0578

Robert C. Shinn, Jr.  
Commissioner

Christine Todd Whitman  
Governor

HPO-K2000-100 PROD

November 15, 2000

Mr. Nick Caiazza  
Environmental Team Leader  
Division of Project Management  
New Jersey Department of Transportation  
CN 600  
1035 Parkway Avenue  
Trenton, New Jersey 08625-0600

Dear Mr. Caiazza:

As Deputy State Historic Preservation Officer for New Jersey, in accordance with 36 CFR Part 800: Protection of Historic Properties, as published in the Federal Register on 18 May 1999 (64 FR 27073-27084), I am providing continuing consultation comments for the following project:

PROJECT MANAGEMENT  
RECEIVED

Route 52 (1) Causeway Reconstruction  
City of Somers Point, Atlantic County  
Ocean City, Cape May County  
NJDOT #8000-139  
FHWA #BRF-007 (103)

NOV 28 2000

**SUMMARY:** Alternatives 5A, 5B, 5C, 9 and 9A will have an adverse effect on three (3) historic architectural properties. A Memorandum of Agreement (MOA), therefore, must be developed in consultation amongst Federal Highway Administration (FHWA), New Jersey Department of Transportation (NJDOT), and the Historic Preservation Office (HPO), to minimize and mitigate the adverse effects the preferred alternative will have on those three (3) historic architectural properties.

These comments are in response to your letter dated August 19, 2000, received at this office August 21, 2000, and the *Draft EIS/Section 4(f) Evaluation* and supporting technical environmental studies (a box containing fourteen (14) documents), received at this office

Mr. Nick Caiazza, NJDOT  
Route 52 (1) Causeway Reconstruction  
Somers Point/Ocean City  
Atlantic County/Cape May County  
HPO Log #01-0395 (01-0180, 00-0927), HPO-K2000-100 PROD  
November 15, 2000  
Page 2 of 3

October 16, 2000, submitted by NJ DEP, OPC, requesting review and comments on the *Draft EIS/Section 4(f) Evaluation*.

HPO staff concur with the submitted *Draft EIS/Section 4(f) Evaluation* that Alternatives 5A, 5B, 5C, 9 or 9A will have an adverse effect on three (3) of the identified historic architectural properties, i.e., **World War Memorial Bridge Over Route 52 Ship Channel**, **Bay Front Historic District**, and **Dockside Café/Marina**. Therefore, a MOA must be developed in consultation amongst FHWA, NJDOT, and the HPO, to minimize and mitigate the adverse effects the preferred alternative will have on those three (3) historic architectural properties.

Stipulations of the MOA must include but not be limited to the following items to mitigate the direct adverse impacts on **World War Memorial Bridge Over Route 52 Ship Channel**:

1. recordation of **World War Memorial Bridge Over Route 52 Ship Channel** to Historic American Engineering Record (HAER) standards;
2. reuse or market components of the bridge structure;
3. provide interpretive displays and/or educational materials produced as a supplement to the HAER recordation;
4. place visual displays of the historic bridge on the acquired Gulf station property adjacent to the historic site, where parking would be possible; and
5. possible conversion of the north viaduct approach, north of the bascule span, into a recreational/fishing pier.

Stipulations of the MOA must also include but not be limited to the following items to minimize the visual impacts on the setting of **Bay Front Historic District**, and **Dockside Café/Marina**:

1. incorporate architectural components and detail of the historic bridge into the design of the new bridge structures;
2. investigate architectural finishes for edge walls of proposed new bridge structures which will be compatible with character defining features and materials of the historic architectural properties;

Mr. Nick Caiazza, NJDOT  
Route 52 (1) Causeway Reconstruction  
Somers Point/Ocean City  
Atlantic County/Cape May County  
HPO Log #01-0395 (01-0180, 00-0927), HPO-K2000-100 PROD  
November 15, 2000  
Page 3 of 3

3. provide plantings of indigenous species along the base of edge walls of proposed new bridge structures;
4. use the longest spans economically feasible to minimize the visual clutter that piles usually introduce; and
5. employ landscaping at the bridge touchdown areas in Ocean City and Somers Point to soften the appearance of proposed new construction.

In addition, per HPO letter dated April 14, 2000 (HPO-D2000-41 PROD), because Bay Front Historic District and Somers Point Historic District are listed in the New Jersey Register of Historic Places, this project undertaking is also subject to review under the New Jersey Register of Historic Places Act (NJRHPA) of 1970 as amended (N.J.S.A. 13:1B-15.1'31 as implemented by N.J.A.C. 7:4-7.1). NJDOT, therefore, must submit an Application For Project Authorization Under The New Jersey Register Of Historic Places Act for the HPO to determine the impacts this project might have on those properties pursuant to the NJRHPA.

If you have further questions concerning this project review, please contact HPO staff Carl Nittinger at 609-984-0141.

Sincerely,



Dorothy P. Guzzo  
Deputy State Historic  
Preservation Officer

DPG/cn

Log #01-0395 (01-0180, 00-0927)

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c. R. Schroeder, FHWA

A. Fox, FHWA

A. Fekete, NJDOT

D. Lambert, NJDOT

A. Qureshi, NJDOT



United States Department of the Interior



*Her*

FISH AND WILDLIFE SERVICE

IN REPLY REFER TO:

PLP-00/417

Ecological Services  
927 North Main Street (Bldg. D1)  
Pleasantville, New Jersey 08232

Tel: 609-646-9310  
FAX: 609-646-0352

November 13, 2000

Memorandum

To: National Park Service  
Philadelphia Support Office  
Philadelphia, Pennsylvania

From: Supervisor, New Jersey Field Office  
U.S. Fish and Wildlife Service  
Pleasantville, New Jersey

Subject: Review of Draft Environmental Impact Statement and Section 4(f) for Route 52  
Reconstruction Project, from Somers Point, Atlantic County to Ocean City, Cape  
May County, New Jersey (ER-00/0762)

The U.S. Fish and Wildlife Service's New Jersey Field Office (NJFO) has reviewed the subject Draft Environmental Impact Statement (DEIS) as requested via the Environmental Review Distribution Transmittal of October 13, 2000. Attached is the Service's input for Departmental response to the New Jersey Department of Transportation (NJDOT) regarding the subject DEIS.

Previous NJFO comments regarding project alternatives are attached for reference. If you have any questions regarding any of the attached comments, please contact John Staples or Douglas Adamo of my staff at (609) 646-9310, extensions 18 and 44, respectively.

*Cybil G. O'...*

Attachment

U.S. Fish and Wildlife Service Comments

ER-00/0762

The Department of the Interior's (Department) U.S. Fish and Wildlife Service (FWS) has reviewed the Draft Environmental Impact Statement/Section 4(f) Evaluation (DEIS) and Natural Ecosystems Technical Environmental Study (TES) (dated August 2000), provided with your October 6, 2000 letter to the Department's Office of Environmental Policy and Compliance, regarding the proposed Route 52 (causeway) reconstruction between Somers Point, Atlantic County and Ocean City, Cape May County, New Jersey. The proposed project is identified as Federal Project No. BRF-7(103) by the New Jersey Department of Transportation (NJDOT) and U.S. Department of Transportation's Federal Highway Administration (FHWA).

Information in the DEIS identifies Alternative 9, Option 1 (9-1) as the initially preferred alternative for the proposed project. The NJDOT, via letter dated August 19, 2000, provided comments regarding the FWS review (letter of June 19, 2000) of the Preliminary DEIS and TES (dated March 2000) for the proposed project. In the June 19, 2000 letter, the FWS identified Alternative 9A, Option 1 (9A-1) as having the least potential for adverse impacts on the aquatic environment within the proposed project area. As you are aware, Alternative 9A-1 would not require a realignment of the Intracoastal Waterway (ICWW) and subsequent dredging within Great Egg Harbor Bay. The FWS comments pursuant to NJDOT's August 19, 2000 letter and Preliminary DEIS were provided via letter dated September 21, 2000; however, these comments were not incorporated into the August 2000 DEIS due to time constraints (Qureshi, pers. comm., 2000). Therefore, this response serves to reiterate FWS concerns not addressed in the DEIS and TES.

According to NJDOT's August 19, 2000 letter and information provided in the DEIS, the decision to select Alternative 9-1 as the initially preferred alternative was based on the need for an uninterrupted emergency evacuation route, cost minimization (i.e., elimination of initial, operational, and maintenance costs involved with Alternative 9A-1), and compliance with safety and roadway design requirements. Implementation of Alternative 9-1 would involve construction of a fixed bridge (i.e., eliminating the existing bascule bridge), which would require a realignment of the existing ICWW in Beach Thorofare. Realignment of the ICWW would require dredging important benthic habitats, including shellfish beds, in Beach Thorofare.

#### AUTHORITY

The following comments on the DEIS have been prepared under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401; 16 U.S.C. 661 *et seq.*), and the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 4321 *et seq.*), and are consistent with the intent of the FWS's Mitigation Policy (Federal Register, Vol. 46, No. 15, Jan. 23, 1981), which emphasizes that avoidance and minimization precede compensation for unavoidable adverse impacts on fish and wildlife resources and supporting ecosystems.

## FWS CONCERNS

Comments provided by FWS, with respect to consideration of Alternative 9A-1, have not been addressed; therefore, the Department is concerned that the least environmentally damaging alternative has not been selected for this proposal. The Department offers the following specific comments regarding potential adverse impacts of Alternative 9-1 (the initially preferred alternative) on benthic habitats and estuarine emergent wetlands in the project area.

### Purpose and Need

The Department questions the need for a fixed bridge, rather than a bascule bridge, to provide an uninterrupted emergency evacuation route for motor vehicles. It appears that an extended closure of a bascule bridge, as proposed under Alternative 9A-1, would serve as an uninterrupted route to facilitate traffic flow during an emergency evacuation. In addition, it is unlikely, in view of advances in weather forecasting and storm warning procedures, that vessels requiring the opening of a bascule bridge would be in the ICWW during a storm that necessitates emergency evacuation. The DEIS does not provide specific information regarding traffic problems, associated with the existing bascule bridge design, that may have occurred during previous emergency evacuations.

### Impacts on Benthic Habitat

Information provided in the TES indicates that many of the channels in the northern portions of Great Egg Harbor Bay, such as the proposed project area, provide ideal habitats for a variety of benthic organisms, including shellfish (U.S. Department of Transportation Federal Highway Administration and New Jersey Department of Transportation, 2000a). Although FHWA and NJDOT (2000a) indicate that shellfish beds in Great Egg Harbor Bay are plentiful and widespread, dredging at a relatively large scale, such as proposed for Alternative 9-1, would contribute to Statewide cumulative impacts on shellfish resources. According to the DEIS, Alternative 9A-1 is the only option that would not require maintenance dredging of the ICWW.

Indirect effects of dredging, such as turbidity and substrate alteration, may cause long-term adverse impacts to benthic organisms in the bay. Loss of such resources contributes to the overall degradation of the aquatic ecosystem and, subsequently, fish and wildlife resources in the project area. In addition, shifting the ICWW approximately 210 feet northward (i.e., within approximately 50 feet of existing saltmarsh), as proposed for Alternative 9-1, would increase the potential for wetland substrate sloughing via wave action.

### Safety Standards and Cost Considerations

While the Department recognizes that NJDOT is constrained by certain safety and design standards, roadway construction options that would satisfy such considerations and further



minimize wetland impacts, should be identified and evaluated. Specific safety and design standards should be identified, in relation to previous FWS recommendations, that would minimize adverse impacts on wetlands.

Wetland mitigation expenses and costs associated with dredging and dredged material disposal, may equal or exceed the final costs of Alternative 9A-1, including costs associated with operation and maintenance of a bascule bridge. The Department notes that costs associated with operation and maintenance of a bascule bridge would be minimized via an anticipated 93 percent reduction of bridge openings as proposed under Alternative 9A-1 (U.S. Department of Transportation Federal Highway Administration and New Jersey Department of Transportation, 2000b). A total cost comparison between the alternatives indicates that Alternative 9A-1 would cost an estimated \$7 million less than Alternative 9-1 (U.S. Department of Transportation Federal Highway Administration and New Jersey Department of Transportation, 2000b).

### SUMMARY AND RECOMMENDATIONS

To facilitate any further evaluation of alternatives, the Department requests revision of the DEIS to provide specific information regarding traffic problems associated with the existing bascule bridge. In addition, the Department recommends that the DEIS include specific roadway safety and design standards. Such information would allow the FWS and the Department to provide specific comments regarding measures to minimize adverse impacts on wetlands and benthic resources in Great Egg Harbor Bay.

Overall, the Department maintains that Alternative 9A-1, if constructed as proposals would have the least adverse impact on aquatic ecosystems, including estuarine emergent wetlands and shellfish resources, within the proposed project area. Therefore, based on the above-mentioned considerations regarding purpose and need, impacts on wetlands and shellfish resources, safety standards, and cost evaluation, the Department strongly recommends that FHWA and NJDOT reconsider selecting Alternative 9A-1 as the preferred alternative for the Route 52(1) bridge reconstruction project. The Department is opposed to the selection of alternatives that require dredging of existing benthic habitats, including shellfish beds, in Great Egg Harbor Bay.

Thank you for the opportunity to provide comments on the DEIS and TES for the proposed reconstruction of the Route 52 causeway. Should you have any questions regarding these comments pertaining to fish and wildlife concerns, please contact the FWS at:

Supervisor, New Jersey Field Office  
U.S. Fish and Wildlife Service  
927 North Main Street (Bldg. D)  
Pleasantville, New Jersey 08232  
(609-646-9310)

## REFERENCES

### Literature Cited

U.S. Department of Transportation Federal Highway Administration and New Jersey Department of Transportation. 2000a. NJ Route 52(1) causeway between City of Somers Point, Atlantic County and Ocean City, Cape May County, Federal #BRF-0070103, technical environmental study, natural ecosystems. Prepared by Earth Tech, New York, New York, for the U.S. Department of Transportation, Federal Highway Administration and New Jersey Department of Transportation in cooperation with the U.S. Army Corps of Engineers, U.S. Coast Guard, and U.S. Fish and Wildlife Service. 83 pp. + appendices.

2000b. NJ Route 52(1) causeway between City of Somers Point, Atlantic County and Ocean City, Cape May County, draft environmental impact statement, section 4(f) evaluation (volume 1). Prepared by Earth Tech, New York, New York, for the U.S. Department of Transportation, Federal Highway Administration and New Jersey Department of Transportation in cooperation with the U.S. Army Corps of Engineers, U.S. Coast Guard, and U.S. Fish and Wildlife Service. 250 pp. + appendices.

### Personal Communication

Qureshi, A. 2000. Environmental Team Member, New Jersey Department of Transportation, Trenton, New Jersey.



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## SOUTH JERSEY TRANSPORTATION PLANNING ORGANIZATION

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James B. Lewis, NJDOT

October 31, 2000

James Stevenson, Community Relations Manager  
NJDOT - Office of Community Relations  
1035 Parkway Avenue, PO Box 600  
Trenton, NJ 08054

Dear Mr. Stevenson:

Thanks for the excellent "Connections" brochure on the Route 52 reconstruction project.

Let me take this opportunity to formally alert you to the Ocean City/Ninth Street Corridor Study, currently being conducted by a consultant team led by Orth Rodgers and Associates. This study, which arose from recommendations of the NJDOT-funded Ocean City Bike/Ped Needs Assessment of 1998, is examining various improvement packages in the Ninth Street corridor abutting the Route 52 eastern project limits.

NJDOT's Bureau of Mobility Strategies is participating in this SJTPO-funded Corridor Study, so I am confident that the two efforts will be coordinated in terms of design treatments north and south of Bay Avenue.

Sincerely,

Timothy G. Chelius, PP, AICP  
Executive Director

TGC:mab

- c: Scott Deeck, Lead Engineer, NJDOT - Bureau of Project Scope Development  
Debbie Kingsland, Principal Engineer, NJDOT - Bureau of Mobility Strategies  
Lance Weight, Section Chief, NJDOT - Bureau of Mobility Strategies  
Dennis Campbell, Economic Development Coordinator, Ocean City  
James Smith, Planning Director, Cape May County

NOV 17 2000



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE



IN REPLY REFER TO:

FP-00/50

Ecological Services  
927 North Main Street (Bldg. D1)  
Pleasantville, New Jersey 08232

Tel: 609-646-9310  
FAX: 609-646-0352

September 21, 2000

Mr. Nicholas Caiazza  
Environmental Team Leader  
Division of Project Management  
New Jersey Department of Transportation  
1035 Parkway Avenue, P.O. Box 600  
Trenton, New Jersey 08625-0600

Dear Mr. Caiazza:

This is in response to your August 19, 2000 letter, regarding New Jersey Department of Transportation's (NJDOT) identification of Alternative 9 (Option 1) as the preferred alternative for the proposed reconstruction of the Route 52 (1) causeway (proposal) between Somers Point, Atlantic County and Ocean City, Cape May County, New Jersey. The August 19 letter included comments in reference to the U.S. Fish and Wildlife Service (Service) review (letter of June 19, 2000) of the Draft Environmental Impact Statement / Section 4(f) Evaluation (DEIS) and Natural Ecosystems Technical Environmental Study (TES) for the project, submitted by U.S. Department of Transportation's Federal Highway Administration (FHWA) and NJDOT. In our June 19 letter, we identified Alternative 9A (Option 1) as having the least potential for adverse impacts on the aquatic environment within the proposed project area. As you are aware, Alternative 9A (Option 1) would not require dredging within Great Egg Harbor Bay and involves the least adverse impacts on estuarine emergent wetlands in the proposed project area.

According to your August 19 letter, NJDOT's decision to select Alternative 9 (Option 1) was based on the need for an uninterrupted emergency evacuation route, cost minimization considerations (i.e., elimination of initial, operational, and maintenance costs involved with Alternative 9A (Option 1)), and compliance with safety and roadway design requirements. Implementation of Alternative 9 (Option 1) would involve construction of a fixed bridge (i.e., eliminating the existing bascule bridge), which would require a realignment of the existing Intracoastal Waterway (ICWW) in Beach Thorofare. Realignment of the ICWW would require dredging important benthic habitats, including shellfish beds, in Beach Thorofare. Service review of this proposal was coordinated with the New Jersey Department of Environmental Protection's Bureau of Shellfisheries, the National Marine Fisheries Service, and the Philadelphia District of the U.S. Army Corps of Engineers.

PROJECT MANAGEMENT  
RECEIVED

SEP 25 2000

Indirect effects of dredging, such as turbidity and substrate alteration, may cause long-term adverse impacts to benthic organisms in the bay. Loss of such resources contributes to the overall degradation of the aquatic ecosystem and, subsequently, fish and wildlife resources in the project area.

#### Safety Standards and Cost Considerations

While the Service recognizes that NJDOT is constrained by certain safety and design standards, roadway construction options that would satisfy such considerations and further minimize wetland impacts, should be identified and evaluated. Specific safety and design standards should be identified, in relation to Service recommendations, that would minimize adverse impacts on wetlands.

Wetland mitigation expenses and costs associated with dredging and dredged material disposal, may equal or exceed the final costs of Alternative 9A (Option 1), including costs associated with operation and maintenance of a bascule bridge. The Service notes that costs associated with operation and maintenance of a bascule bridge would be minimized via an anticipated 93 percent reduction of bridge openings as proposed under Alternative 9A (Option 1) (U.S. Department of Transportation and New Jersey Department of Transportation, 2000). A total cost comparison between the alternatives indicates that Alternative 9A (Option 1) would cost an estimated \$7 million less than Alternative 9 (Option 1) (U.S. Department of Transportation and New Jersey Department of Transportation, 2000).

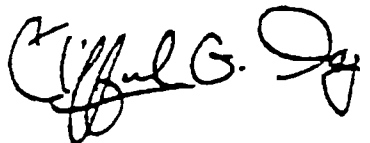
#### **SUMMARY AND RECOMMENDATIONS**

To facilitate any further evaluation of alternatives, the Service requests that NJDOT provide specific information regarding traffic problems associated with the existing bascule bridge. In addition, the Service requests that NJDOT provide specific roadway safety and design standards. Such information would allow the Service to provide specific comments regarding measures to minimize adverse impacts on wetlands and benthic resources in Great Egg Harbor Bay.

Overall, the Service maintains that Alternative 9A (Option 1), would have the least adverse impact on aquatic ecosystems, including estuarine emergent wetlands and shellfish resources, within the proposed project area. Based on the above-mentioned considerations regarding purpose and need, impacts on wetlands and shellfish resources, safety standards, and cost evaluation, we strongly recommend that NJDOT re-consider selecting Alternative 9A (Option 1) as the preferred alternative for the Route 52(1) bridge reconstruction project. The Service is opposed to the selection of alternatives that require dredging of existing benthic habitats, including shellfish beds, in Great Egg Harbor Bay.

Thank you for the opportunity to provide further comments on the alternatives evaluation for the proposed reconstruction of the Route 52 causeway. Should you have any questions regarding these comments, please contact John Staples or Doug Adamo of my staff at (609) 646-9310, extensions 18 and 44, respectively.

Sincerely,



Clifford G. Day  
Supervisor

Literature Cited

Earth Tech. 2000. NJ Route 52(1) causeway between City of Somers Point, Atlantic County and Ocean City, Cape May County, Federal #BRF-0070103, technical environmental study, natural ecosystems. Prepared by Earth Tech, New York, New York, for the U.S. Department of Transportation, Federal Highway Administration and New Jersey Department of Transportation. 83 pp. + appendices.

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