

APPENDIX 2: WETLANDS AND NATURAL RESOURCES

2-A: Correspondence with NJDEP-NHP and NMFS

- 1 – Letter to NJDEP – NHP: August 24, 2015**
- 2 – Letter from NJDEP – NHP: September 17, 2015**
- 3 – Letter to NMFS – T&E Species: August 24, 2015**
- 4 – Email from NMFS – T&E Species: September 3, 2015**
- 5 – Letter to NMFS – EFH: August 24, 2015**
- 6 – Email from NMFS – EFH: September 28, 2015**
- 7 – Letter to NJDEP – NHP: March 13, 2018**
- 8 – Letter / Email from NJDEP – NHP: April 3, 2018**
- 9 – Letter to NMFS – EFH: March 13, 2018**
- 10 – Letter to NMFS – T&E Species: March 13, 2018**
- 11 – Email from NMFS: March 16, 2018**

2-B: IPaC Trust Resource Report

2-C: Wetland Photo Sheets

Appendix 2 – A
CORRESPONDENCE WITH NJDEP-NHP AND NMFS

Appendix 2 – A – 1
LETTER TO NJDEP – NHP: AUGUST 24, 2015



Environmental and Planning Consultants

440 Park Avenue South
7th Floor
New York, NY 10016
tel: 212 696-0670
fax: 212 213-3191
www.akrf.com

August 24, 2015

Robert J. Cartica
New Jersey Department of Environmental Protection
State Forestry Services
Mail Code 501-04
ONLM - Natural Heritage Program
Trenton, New Jersey 08625-0420

Re: **Threatened or Endangered Species Information Request,
Amtrak Sawtooth Bridges, Town of Kearny, Hudson County, NJ**

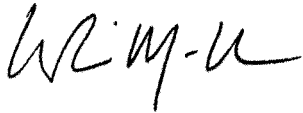
Dear Mr. Cartica:

The National Railroad Passenger Corporation (Amtrak) is proposing the replacement of Amtrak Bridge No. 7.80 (which carries Amtrak's Northeast Corridor over NJ Transit rail tracks) and Amtrak Bridge No. 7.96 (which carries the Northeast Corridor over PATH and Conrail rail tracks). These two bridges are collectively referred to as the "Sawtooth Bridges". The Sawtooth Bridges are located along a critical segment of the Northeast Corridor between Newark, NJ and New York, NY. The existing two-track Sawtooth Bridges were constructed in 1908, and comprise a concrete-encased floor beam system connected to girders supported on concrete-encased columns. It is anticipated that the proposed project will result in a four-track crossing and that maximum allowable speeds will be increased from 60 miles per hour (mph) to 90 mph. The project limits extend approximately from Hudson Interlocking at MP 8.3 to Swift Interlocking at MP 7.2 (see Figure 1).

The Federal Railroad Administration (FRA) is the lead federal agency for the environmental review, which is being prepared in accordance with the National Environmental Policy Act (NEPA). In support of this effort and on behalf of Amtrak, we are requesting information on federally and/or state-listed threatened or endangered species, species of special concern, and habitats of special concern within 0.5 miles of the project site. The information provided by New Jersey Natural Heritage Program (NJNHP) will be used in the preparation of environmental documentation for the proposed project. However, map(s) showing specific locations of sensitive species or habitats developed from lists provided by NJNHP will not be published in any document.

Please feel free to contact me at (646) 388-9756 or by email at lmесnick@akrf.com if you should have any questions regarding this information request. Thank you for your time in providing us with this information.

Sincerely,

A handwritten signature in black ink, appearing to read 'LM-U', likely representing Leslie Mesnick.

Leslie Mesnick
Vice President

Enclosure

cc: John Brun, Amtrak



State of New Jersey
Mail Code 501-04
Department of Environmental Protection
Natural Heritage Data Request Form
The New Jersey Natural Heritage Program
DEP-Office of Natural Lands Management
P.O. Box 420, Trenton, New Jersey 08625-0420
(609) 984-1339
Fax No.: (609) 984-1427



PLEASE PRINT AND SUBMIT COMPLETED FORM WITH ATTACHMENTS TO THE ADDRESS ABOVE
(Fields shown in bold font must be completed in order for data request to be processed.)

1. **Name:** Leslie Mesnick **Agency/Company:** AKRF, Inc.
Address: 440 Park Avenue South, 7th Floor **City:** New York
State: NY **Zip:** 10016 **Daytime Phone:** 646-388-9756 **Ext.:** _____
Cell Phone: _____ **Email:** lmesnick@akrf.com
2. **Project Name:** Sawtooth Bridges Replacement Project
Municipality(ies): Town of Kearny, Town of Harrison **County(ies):** Hudson
Block(s): Various **Lot(s):** _____
N.A.D. 1983 State Plane Coordinates (feet) 6 digits only: **E (x):** 595757 **N (y):** 696112
3. **Project Description:** Replacement of Amtrak Bridge No. 7.80 and Amtrak Bridge No. 7.96 (collectively known as the "Sawtooth Bridges") located in the Town of Kearny, Hudson County, New Jersey along a critical segment of the Northeast Corridor between Newark, New Jersey and New York, New York
4. **USGS Quad:** X A copy of a USGS quad map(s) that clearly indicates the site boundary is included with this form. Specify name of USGS quad(s): Elizabeth, Jersey City, Orange, and Weehawken
(USGS quad maps are required, unless prior arrangements have been made to submit site boundaries in an alternate format. Responses will be delayed if site locations are not delineated in a suitable format.)
5. **Flood Hazard Control Act Use:** **Is this request submitted as part of a Flood Hazard Area Control Act rule (N.J.A.C. 7:13) application? Yes** _____ **No** X
6. **Acknowledgement & Signature:** Any material supplied by the Office of Natural Lands Management will not be published without crediting the Natural Heritage Database as the source of the material. It is understood that there will be a charge of \$70.00 per hour for the services requested. An invoice will be sent with the request response and payment should be made by check or money order payable to "Office of Natural Lands Management."

Signed

W. M. U.

Date

9/8/2015

Time Frame for Response:

Data requests are processed in the order in which they are received; please allow 30 days for response. If you would like to send in your data request via email, you may do so by sending it to Natlands@dep.nj.gov. Due to the number of attachments, we cannot fax results. Unless you specifically request that your response be mailed or the response is unusually large, your response will be emailed to the address you provide.

FOR OFFICE USE ONLY

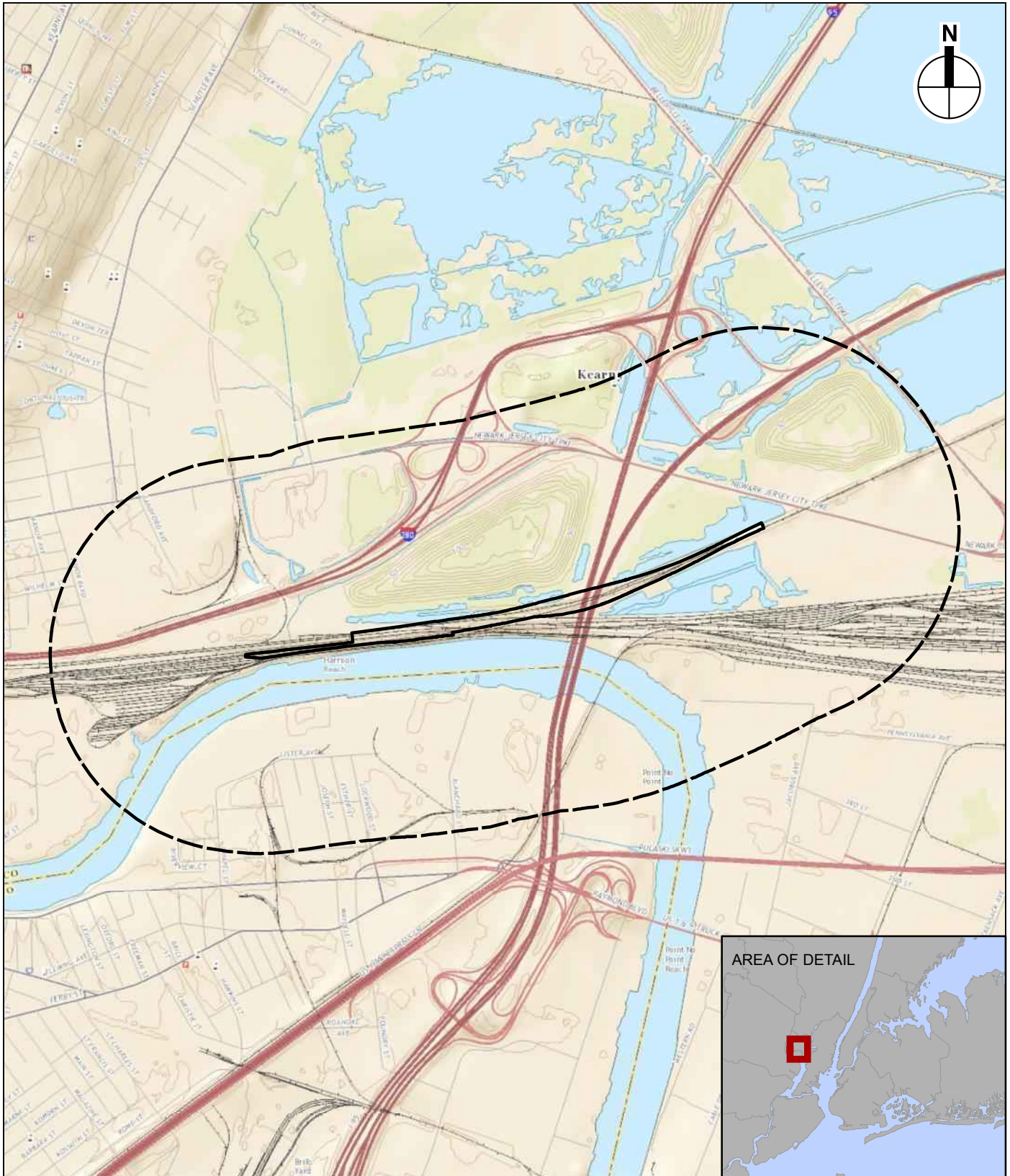
DATE RECEIVED _____



Item Code: REG _____ ST _____ RTC _____ NC _____ REGEO _____ STEO _____ RTCEO _____ NCEO _____

Hrs: _____

Project Code: _____ Inv. #: _____

7/7/2015



-  Project Site
-  Half-Mile Study Area

0 2,000 FEET

Approximate coordinates of Project Site:
40° 44' 38" N, 74° 7' 31" W

SAWTOOTH BRIDGE

USGS 7.5 Minute Topographic Map
Elizabeth, Jersey City, Orange and Weehawken Quads
Figure 1

Appendix 2 – A – 2

LETTER FROM NJDEP – NHP: SEPTEMBER 17, 2015



State of New Jersey

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION
State Forestry Services
Mail Code 501-04
ONLM -Natural Heritage Program
P.O. Box 420
Trenton, NJ 08625-0420
Tel. #609-984-1339
Fax. #609-984-1427

BOB MARTIN
Commissioner

September 17, 2015

Leslie Mesnick
AKRF, Inc.
440 Park Avenue South, 7th Floor
New York, NY 10016

Re: Sawtooth Bridges Replacement Project
Kearny Town and Harrison Town, Hudson County

Dear Leslie Mesnick:

Thank you for your data request regarding rare species information for the above referenced project site in Kearny Town and Harrison Town, Hudson County.

Searches of the Natural Heritage Database and the Landscape Project (Version 3.1) are based on a representation of the boundaries of your project site in our Geographic Information System (GIS). We make every effort to accurately transfer your project bounds from the topographic map(s) submitted with the Request for Data into our Geographic Information System. We do not typically verify that your project bounds are accurate, or check them against other sources.

We have checked the Landscape Project habitat mapping and the Biotics Database for occurrences of any rare wildlife species or wildlife habitat on the referenced site. The Natural Heritage Database was searched for occurrences of rare plant species or ecological communities that may be on the project site. Please refer to Table 1 (attached) to determine if any rare plant species, ecological communities, or rare wildlife species or wildlife habitat are documented on site. A detailed report is provided for each category coded as 'Yes' in Table 1.

We have also checked the Landscape Project habitat mapping and Biotics Database for occurrences of rare wildlife species or wildlife habitat in the immediate vicinity (within ½ mile) of the referenced site. Additionally, the Natural Heritage Database was checked for occurrences of rare plant species or ecological communities within ½ mile of the site. Please refer to Table 2 (attached) to determine if any rare plant species, ecological communities, or rare wildlife species or wildlife habitat are documented within the immediate vicinity of the site. Detailed reports are provided for all categories coded as 'Yes' in Table 2. These reports may include species that have also been documented on the project site.

The Natural Heritage Program reviews its data periodically to identify priority sites for natural diversity in the State. Included as priority sites are some of the State's best habitats for rare and endangered species and ecological communities. Please refer to Tables 1 and 2 (attached) to determine if any priority sites are located on or in the vicinity of the site.

A list of rare plant species and ecological communities that have been documented from the project site, referenced above, can be downloaded from <http://www.state.nj.us/dep/parksandforests/natural/heritage/countylist.html>. If suitable habitat is present at the project site, the species in that list have potential to be present.

Status and rank codes used in the tables and lists are defined in EXPLANATION OF CODES USED IN NATURAL HERITAGE REPORTS, which can be downloaded from http://www.state.nj.us/dep/parksandforests/natural/heritage/nhpcodes_2010.pdf.

If you have questions concerning the wildlife records or wildlife species mentioned in this response, we recommend that you visit the interactive NJ-GeoWeb website at the following URL, <http://www.state.nj.us/dep/gis/geoweb splash.htm> or contact the Division of Fish and Wildlife, Endangered and Nongame Species Program at (609) 292-9400.

NHP File No. 15-4007462-8350

PLEASE SEE 'CAUTIONS AND RESTRICTIONS ON NHP DATA', which can be downloaded from <http://www.state.nj.us/dep/parksandforests/natural/heritage/newcaution2008.pdf>.

Thank you for consulting the Natural Heritage Program. The attached invoice details the payment due for processing this data request. Feel free to contact us again regarding any future data requests.

Sincerely,

A handwritten signature in dark ink, appearing to read 'R. Cartica', with a long horizontal stroke extending to the right.

Robert J. Cartica
Administrator

c: NHP File No. 15-4007462-8350

Mail Code 501-04
Department of Environmental Protection
State Forestry Services
Office of Natural Lands Management
P.O. Box 420 Trenton, New Jersey 08625-0420
(609) 984-1339 Fax: (609) 984-1427

Invoice

		Date	Invoice #
		9/17/2015	8350
Bill to: AKRF, Inc. 440 Park Avenue South, 7th Floor New York, NY 10016		Make check payable to: Office of Natural Lands Management And forward with a copy of this statement to: Mail Code 501-04 Office of Natural Lands Management P.O. Box 420 Trenton, New Jersey 08625-0420	
Quantity (hrs.)	Description	Rate (per hr.)	Amount
1	Charge for Natural Heritage Database search for rare species and ecological communities locational information. Project: 15-4007462-8350	\$ 70.00	\$ 70.00
Leslie Mesnick Project Name: Sawtooth Bridges Replacement Project		Total	\$ 70.00

Table 1: On Site Data Request Search Results (7 Possible Reports)

<u>Report Name</u>	<u>Included</u>	<u>Number of Pages</u>
1. Possibly on Project Site Based on Search of Natural Heritage Database: Rare Plant Species and Ecological Communities Currently Recorded in the New Jersey Natural Heritage Database	No	0 pages included
2. On or In the Immediate Vicinity of the Project Site Based on Search of the Natural Heritage Database: Rare Plant Species and Ecological Communities Currently Recorded in the New Jersey Natural Heritage Database	No	0 pages included
3. Natural Heritage Priority Sites On Site	No	0 pages included
4. Rare Wildlife Species or Wildlife Habitat on the Project Site Based on Search of Landscape Project 3.1 Species Based Patches	Yes	1 page(s) included
5. Vernal Pool Habitat on the Project Site Based on Search of Landscape Project 3.1	No	0 pages included
6. Rare Wildlife Species or Wildlife Habitat on the Project Site Based on Search of Landscape Project 3.1 Stream Habitat File	No	0 pages included
7. Other Animal Species On the Project Site Based on Additional Species Tracked by Endangered and Nongame Species Program	No	0 pages included

<p>Rare Wildlife Species or Wildlife Habitat on the Project Site Based on Search of Landscape Project 3.1 Species Based Patches</p>
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Class	Common Name	Scientific Name	Feature Type	Rank	Federal Protection Status	State Protection Status	Grank	Srank
<hr/>								
<i>Aves</i>								
	Glossy Ibis	Plegadis falcinellus	Foraging	2	NA	Special Concern	G5	S3B,S4N
	Little Blue Heron	Egretta caerulea	Foraging	2	NA	Special Concern	G5	S3B,S3N
	Snowy Egret	Egretta thula	Foraging	2	NA	Special Concern	G5	S3B,S4N

Table 2: Vicinity Data Request Search Results (6 possible reports)

<u>Report Name</u>	<u>Included</u>	<u>Number of Pages</u>
1. Immediate Vicinity of the Project Site Based on Search of Natural Heritage Database Rare Plant Species and Ecological Communities Currently Recorded in the New Jersey Natural Heritage Database	No	0 pages included
2. Natural Heritage Priority Sites within the Vicinity	No	0 pages included
3. Rare Wildlife Species or Wildlife Habitat Within the Immediate Vicinity of the Project Site Based on Search of Landscape Project 3.1 Species Based Patches	Yes	1 page(s) included
4. Vernal Pool Habitat In the Immediate Vicinity of Project Site Based on Search of Landscape Project 3.1	No	0 pages included
5. Rare Wildlife Species or Wildlife Habitat In the Immediate Vicinity of the Project Site Based on Search of Landscape Project 3.1 Stream Habitat File	No	0 pages included
6. Other Animal Species In the Immediate Vicinity of the Project Site Based on Additional Species Tracked by Endangered and Nongame Species Program	No	0 pages included

<p align="center">Rare Wildlife Species or Wildlife Habitat Within the Immediate Vicinity of the Project Site Based on Search of Landscape Project 3.1 Species Based Patches</p>

Class	Common Name	Scientific Name	Feature Type	Rank	Federal Protection Status	State Protection Status	Grank	Srank
<hr/>								
<i>Aves</i>								
	Cattle Egret	Bubulcus ibis	Foraging	3	NA	State Threatened	G5	S2B,S3N
	Glossy Ibis	Plegadis falcinellus	Foraging	2	NA	Special Concern	G5	S3B,S4N
	Little Blue Heron	Egretta caerulea	Foraging	2	NA	Special Concern	G5	S3B,S3N
	Northern Harrier	Circus cyaneus	Non-breeding Sighting	2	NA	Special Concern	G5	S1B,S3N
	Snowy Egret	Egretta thula	Foraging	2	NA	Special Concern	G5	S3B,S4N

Appendix 2 – A – 3

LETTER TO NMFS – T&E SPECIES: AUGUST 24, 2015



Environmental and Planning Consultants

440 Park Avenue South
7th Floor
New York, NY 10016
tel: 212 696-0670
fax: 212 213-3191
www.akrf.com

August 24, 2015

Mary A. Colligan
Assistant Regional Administrator for Protected Resources
NOAA National Marine Fisheries Service
Protected Resources Division
1 Blackburn Drive
Gloucester, MA 01930

Re: **Consultation Regarding Threatened and Endangered Species and Marine Mammals
Amtrak Sawtooth Bridges, Town of Kearny, Hudson County, NJ**

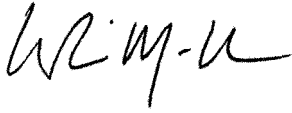
Dear Ms. Colligan:

The National Railroad Passenger Corporation (Amtrak) is proposing the replacement of Amtrak Bridge No. 7.80 (which carries Amtrak's Northeast Corridor over NJ Transit rail tracks) and Amtrak Bridge No. 7.96 (which carries the Northeast Corridor over PATH and Conrail rail tracks). These two bridges are collectively referred to as the "Sawtooth Bridges". The Sawtooth Bridges are located along a critical segment of the Northeast Corridor between Newark, NJ and New York, NY. The existing two-track Sawtooth Bridges were constructed in 1908, and comprise a concrete-encased floor beam system connected to girders supported on concrete-encased columns. It is anticipated that the proposed project will result in a four-track crossing and that maximum allowable speeds will be increased from 60 miles per hour (mph) to 90 mph. The project limits extend approximately from Hudson Interlocking at MP 8.3 to Swift Interlocking at MP 7.2 (see Figure 1).

The Federal Railroad Administration (FRA) is the lead federal agency for the environmental review, which is being prepared in accordance with the National Environmental Policy Act (NEPA). In support of this effort and on behalf of Amtrak, we are requesting information on federally-listed threatened or endangered species, species of special concern, and marine mammals under the jurisdiction of the National Marine Fisheries Service (NMFS) within the vicinity of the study area for the proposed project. The information provided by NMFS will be used in the preparation of environmental documentation for this project. However, map(s) showing specific locations of sensitive species or habitats developed from lists provided by NMFS will not be published in any document.

Please feel free to contact me at (646) 388-9756 or by email at lmесnick@akrf.com if you should have any questions regarding this information request. Thank you for your time in providing us with this information.

Sincerely,

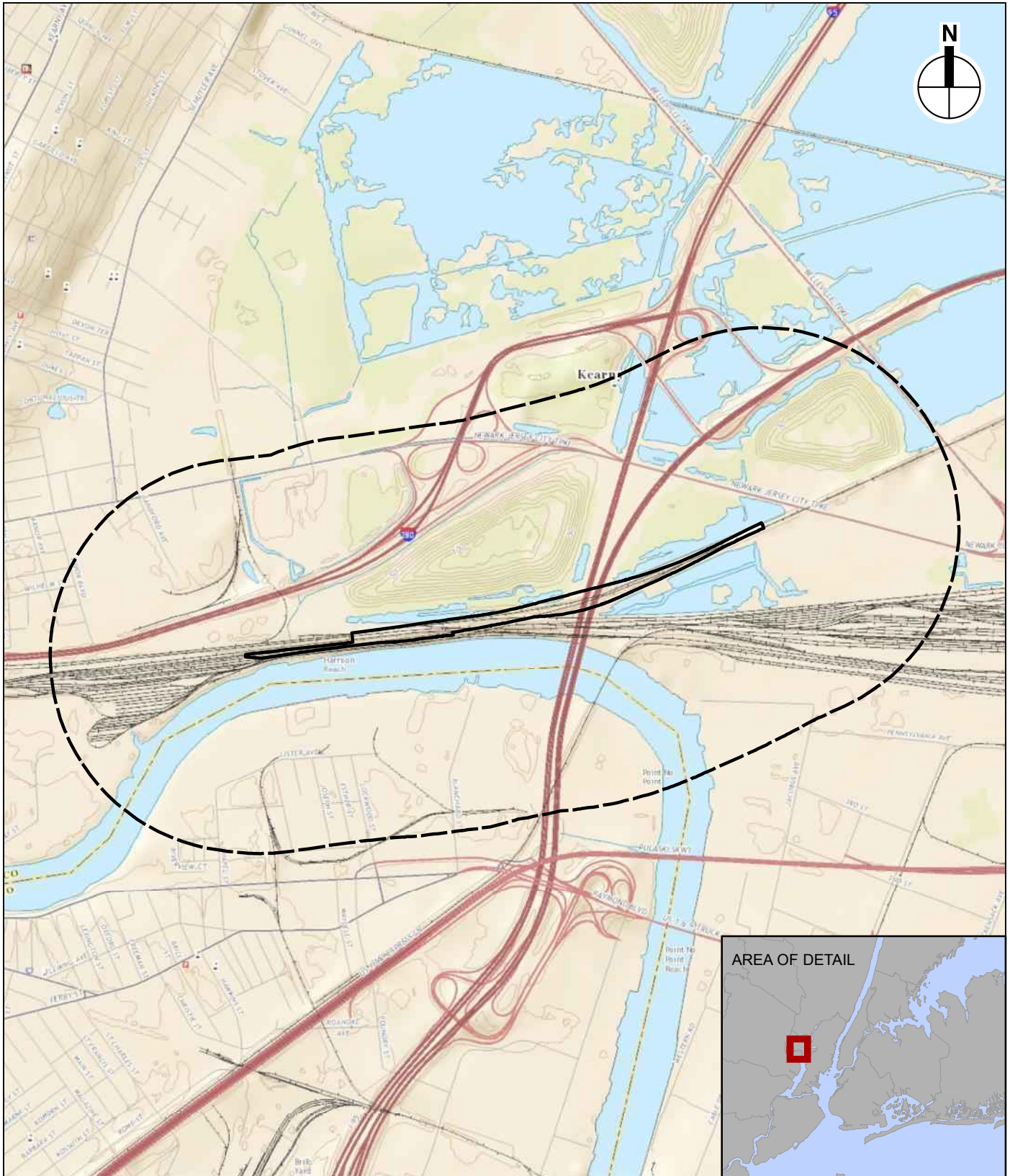
A handwritten signature in black ink, appearing to read "LM-U", likely representing Leslie Mesnick.



Leslie Mesnick
Vice President

enclosure

cc: John Brun, Amtrak

7/7/2015



-  Project Site
-  Half-Mile Study Area

0 2,000 FEET

Approximate coordinates of Project Site:
40° 44' 38" N, 74° 7' 31" W

SAWTOOTH BRIDGE

USGS 7.5 Minute Topographic Map
Elizabeth, Jersey City, Orange and Weehawken Quads
Figure 1

Appendix 2 – A – 4

EMAIL FROM NMFS – T&E SPECIES: SEPTEMBER 3, 2015



Sarah Vorsanger <svorsanger@akrf.com>

Fwd: Amtrak Sawtooth Bridges: ESA listed species request

1 message

Leslie Mesnick <lmesnick@akrf.com>
To: Sarah Vorsanger <svorsanger@akrf.com>

Fri, Sep 18, 2015 at 12:55 PM

----- Forwarded message -----

From: **Daniel Marrone - NOAA Federal** <daniel.marrone@noaa.gov>
Date: Thu, Sep 3, 2015 at 10:55 AM
Subject: Amtrak Sawtooth Bridges: ESA listed species request
To: lmesnick@akrf.com
Cc: Katherine StCyr - NOAA Federal <Katherine.StCyr@noaa.gov>

Hi Leslie,
No ESA-listed species under NMFS jurisdiction occur within the vicinity of the proposed Amtrak Sawtooth Bridges project in Kearny, NJ. No ESA section 7 consultation is necessary. Please let me know if you have any question.
Thanks,
Dan

Appendix 2 – A – 5

LETTER TO NMFS – EFH: AUGUST 24, 2015



Environmental and Planning Consultants

440 Park Avenue South
7th Floor
New York, NY 10016
tel: 212 696-0670
fax: 212 213-3191
www.akrf.com

August 24, 2015

Christopher Boelke
Habitat Conservation Division
NOAA National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930-2276

**Re: Essential Fish Habitat and Fish and Wildlife Coordination Act Species Information
Amtrak Sawtooth Bridges, Town of Kearny, Hudson County, NJ**

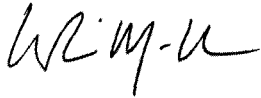
Dear Mr. Boelke:

The National Railroad Passenger Corporation (Amtrak) is proposing the replacement of Amtrak Bridge No. 7.80 (which carries Amtrak's Northeast Corridor over NJ Transit rail tracks) and Amtrak Bridge No. 7.96 (which carries the Northeast Corridor over PATH and Conrail rail tracks). These two bridges are collectively referred to as the "Sawtooth Bridges". The Sawtooth Bridges are located along a critical segment of the Northeast Corridor between Newark, NJ and New York, NY. The existing two-track Sawtooth Bridges were constructed in 1908, and comprise a concrete-encased floor beam system connected to girders supported on concrete-encased columns. It is anticipated that the proposed project will result in a four-track crossing and that maximum allowable speeds will be increased from 60 miles per hour (mph) to 90 mph. The project limits extend approximately from Hudson Interlocking at MP 8.3 to Swift Interlocking at MP 7.2 (see Figure 1).

The Federal Railroad Administration (FRA) is the lead federal agency for the environmental review, which is being prepared in accordance with the National Environmental Policy Act (NEPA). In support of this effort and on behalf of Amtrak, we are requesting information on Essential Fish Habitat and Fish and Wildlife Coordination Act species under NMFS's jurisdiction and input on any construction restrictions (i.e., construction windows) for this portion of New Jersey with respect to these resources. Information provided by NMFS will be used to aid in the design, schedule, and environmental review of the project, but maps of protected species or habitats will not be published in any document.

Please feel free to contact me at (646) 388-9756 or by email at lmесnick@akrf.com if you should have any questions regarding this information request. Thank you for your time in providing us with this information.

Sincerely,

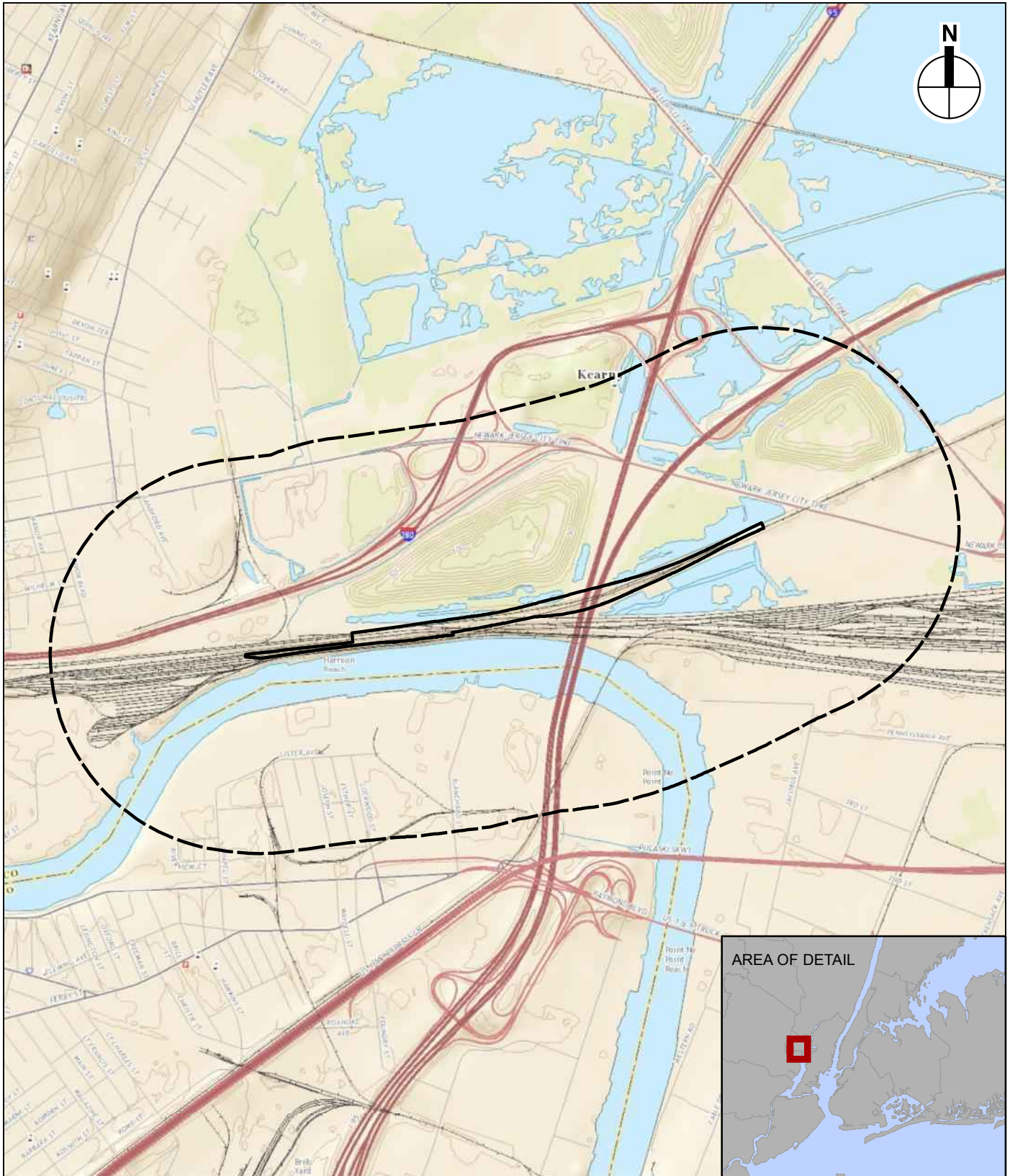
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Leslie Mesnick
Vice President

enclosure

cc: John Brun, Amtrak

7/7/2015



- Project Site
- Half-Mile Study Area

0 2,000 FEET

Approximate coordinates of Project Site:
40° 44' 38" N, 74° 7' 31" W

SAWTOOTH BRIDGE

USGS 7.5 Minute Topographic Map
Elizabeth, Jersey City, Orange and Weehawken Quads
Figure 1

Appendix 2 – A – 6

EMAIL FROM NMFS – EFH: SEPTEMBER 28, 2015



Leslie Mesnick <lmesnick@akrf.com>

EFH and FWCA information request for Amtrak Sawtooth Bridges project, Kearny NJ

1 message

Karen Greene - NOAA Federal <karen.greene@noaa.gov>

Mon, Sep 28, 2015 at 12:18 PM

To: Leslie Mesnick <lmesnick@akrf.com>

Cc: Melissa Alvarez - NOAA Federal <melissa.alvarez@noaa.gov>

Dear Ms. Mesnick:

This is in response to your August 24, 2015 request for essential fish habitat and Fish and Wildlife Coordination Act information request for Amtrak's proposed replacement of Amtrak Bridge No 7.80 and 7.96 which carry the Amtrak Northeast Corridor line over the NJ Transit and Conrail tracks in Kearny, Hudson County New Jersey.

Fish and Wildlife Coordination Act

The Passaic River is a migratory pathway and spawning, nursery and forage area for anadromous fishes including striped bass, alewife, blueback herring and American shad. Because landing statistics and the number of fish observed on annual spawning runs indicate a drastic decline in alewife and blueback herring populations throughout much of their range since the mid-1960's they have designated as Species of Concern by NOAA. To minimize impacts to these and other migrating diadromous species including American shad, striped bass and American eel, in-water work should be avoided from March 1 to June 30 of each year. In addition, wetlands in the area perform many important ecological functions. Impacts to wetlands and other aquatic habitat should be avoid and minimized to the maximum extent practicable. Compensatory mitigation should be provided for all unavoidable impacts. Should project plans change that would alter the basis for determination, consultation should be reinitiated.

Magnuson-Stevens Fishery Conservation and Management Act **Essential Fish Habitat**

Essential fish habitat (EFH) has been designated within the Passaic River and its tributaries. As a result, further EFH consultation by the federal action agency may be required as part of the federal permit process. Should project plans change that would alter the basis for determination, or if new species or EFH is designated, consultation should be reinitiated. For a listing of EFH and further information, please go to our website at: <http://www.greateratlantic.fisheries.noaa.gov/habitat> If you wish to discuss this further, please contact Melissa Alvarez at melissa.alvarez@noaa.gov or 732-872-3116.

Karen Greene
Mid-Atlantic Field Offices Supervisor
National Marine Fisheries Service
Habitat Conservation Division
James J. Howard Marine Sciences Laboratory
74 Magruder Rd.
Highlands, NJ 07732
[732 872-3023](tel:7328723023) (office)
[732 872-3077](tel:7328723077) (fax)
karen.greene@noaa.gov

Appendix 2 – A – 7

LETTER TO NJDEP – NHP: MARCH 13, 2018



Environmental and Planning Consultants

440 Park Avenue South
7th Floor
New York, NY 10016
tel: 212 696-0670
fax: 212 213-3191
www.akrf.com

March 13, 2018

Robert J. Cartica
New Jersey Department of Environmental Protection
State Forestry Services
Mail Code 501-04
ONLM - Natural Heritage Program
Trenton, New Jersey 08625-0420

Re: **Threatened or Endangered Species Information Request,
Amtrak Sawtooth Bridges, Town of Kearny, Hudson County, NJ**

Dear Mr. Cartica:

The National Railroad Passenger Corporation (Amtrak) is proposing the replacement of Amtrak Bridge No. 7.80 (which carries Amtrak's Northeast Corridor over NJ Transit rail tracks) and Amtrak Bridge No. 7.96 (which carries the Northeast Corridor over PATH and Conrail rail tracks). These two bridges are collectively referred to as the "Sawtooth Bridges". The Sawtooth Bridges are located along a critical segment of the Northeast Corridor between Newark, NJ and New York, NY. The existing two-track Sawtooth Bridges were constructed in 1908, and comprise a concrete-encased floor beam system connected to girders supported on concrete-encased columns. It is anticipated that the proposed project will result in a four-track crossing and that maximum allowable speeds will be increased from 60 miles per hour (mph) to 90 mph. The project limits extend approximately from Hudson Interlocking at MP 8.3 to Swift Interlocking at MP 7.2 (see Figure 1).

The Federal Railroad Administration (FRA) is the lead federal agency for the environmental review, which is being prepared in accordance with the National Environmental Policy Act (NEPA). In support of this effort and on behalf of Amtrak, we are requesting information on federally and/or state-listed threatened or endangered species, species of special concern, and habitats of special concern within 0.5 miles of the project site. The information provided by New Jersey Natural Heritage Program (NJNHP) will be used in the preparation of environmental documentation for the proposed project. However, map(s) showing specific locations of sensitive species or habitats developed from lists provided by NJNHP will not be published in any document.

Please feel free to contact me at (856) 797-9930 or by email at SShotzberger@akrf.com if you should have any questions regarding this information request. Thank you for your time in providing us with this information.

Sincerely,

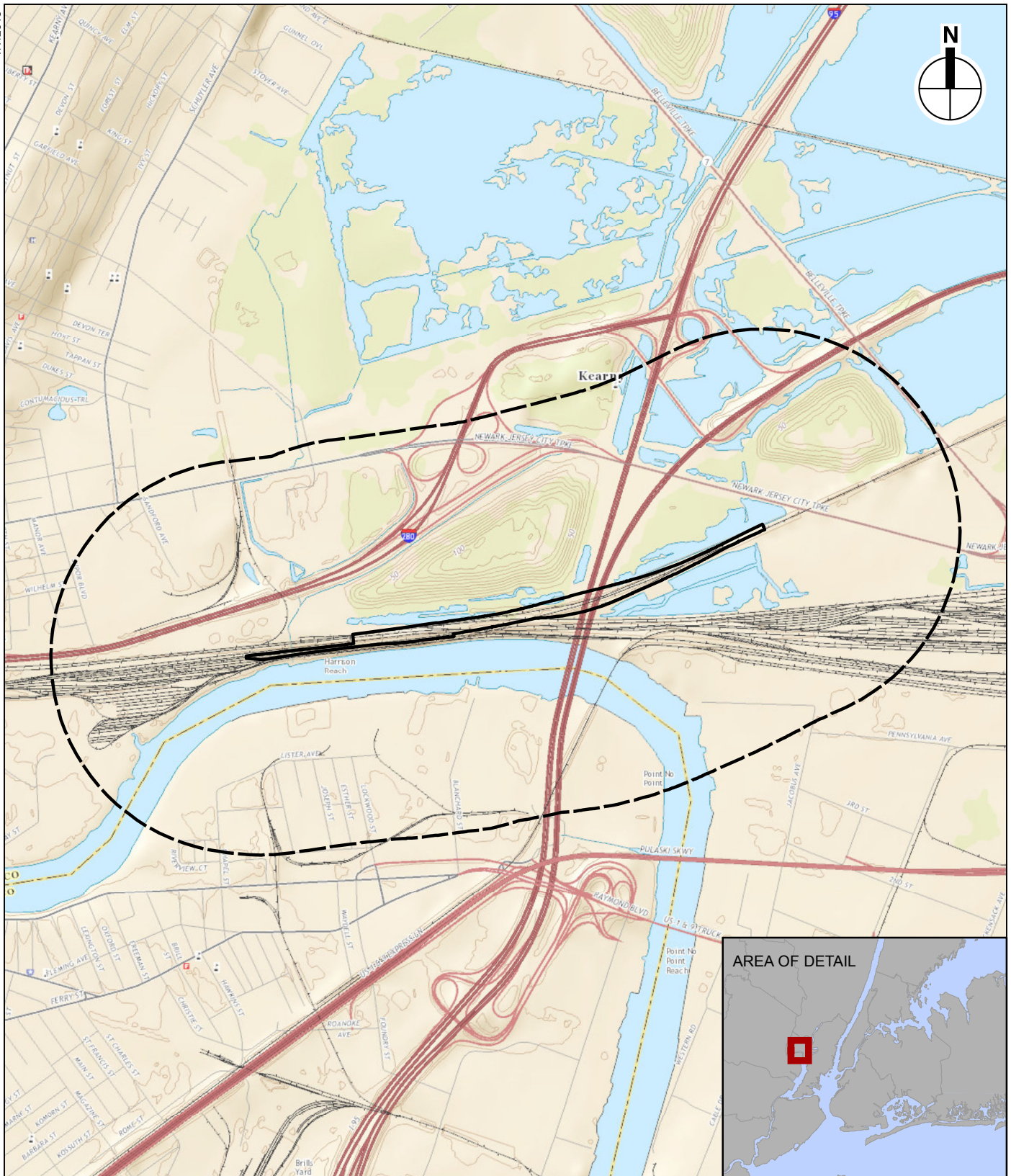
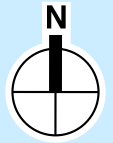
A handwritten signature in black ink, reading "Shawn L. Shotzberger". The signature is fluid and cursive, with the first name "Shawn" and last name "Shotzberger" clearly legible, and a middle initial "L." in between.

Shawn Shotzberger
Senior Technical Director

Enclosure

cc: John Brun, Amtrak

7/7/2015



- Project Site
- Half-Mile Study Area

0 2,000 FEET

Approximate coordinates of Project Site:
40° 44' 38" N, 74° 7' 31" W

SAWTOOTH BRIDGE

USGS 7.5 Minute Topographic Map
Elizabeth, Jersey City, Orange and Weehawken Quads
Figure 1

Appendix 2 – A – 8

EMAIL / LETTER FROM NJDEP – NHP: APRIL 3, 2018

From: **DEP NATLANDS** <NATLANDS@dep.nj.gov>
Date: Tue, Apr 3, 2018 at 4:19 PM
Subject: Natural Heritage Data Request -
To: "sshotzberger@akrf.com" <sshotzberger@akrf.com>

Dear Mr. Shotzberger:

The response to your Natural Heritage Data Request is attached.

Please note the following changes to Natural Heritage Database Reports:

Beginning May 9, 2017, the Natural Heritage Program reports for wildlife species will utilize data from the Landscape Project Version 3.3. This is an update from the previous Version 3.1 released in February of 2012. It contains approximately 3,400 new occurrences and three (3) previously unrepresented animal species: the Federally and State Endangered Atlantic sturgeon (*Acipenser oxyrinchus*), the Federally Threatened Northern myotis/Northern long-eared bat (*Myotis septentrionalis*), and the State Special Concern carpenter frog (*Lithobates virgatipes*).

There have been no changes to any of the other datasets and no changes to the format of the Heritage reports. All users will continue to receive reports listing all rare species and ecological communities that may be on their project sites. In 2016, the Natural Heritage Program, revised the reports for rare plant and ecological community data. There has been no change to these reports. For rare plant species, the standard database searches and those provided for projects subject to the Flood Hazard Control Act rules use slightly different search protocols. The 2016 revisions to the reports for rare plant species and ecological communities are summarized below:

All users will receive a consolidated report for all occurrences of rare plant species and rare ecological communities in the immediate vicinity (within ¼ mile) of their project sites. These reports include rare plant species and ecological communities in addition to those wetland plant species regulated by the Flood Hazard Area Control Act rules. These reports may include records for rare plant species for which the precise location of the occurrence is not known. These are often older records, and surveys are needed in order to determine the current condition and location of these occurrences in relation to proposed projects.

Users requesting reports for Flood Hazard Area Control Act (FHACA) permits will continue to receive the same reports for those wetland plant species identified by the FHACA regulations as being critically dependent on the watercourse. These reports are limited to precisely located records for these species within one mile of the project site. The Department of Environmental Protection, Division of Land Use Regulation (DLUR) will use this report to determine whether the habitat for any regulated plant species occurs on site or within one mile downstream. The Natural Heritage Program cannot make a regulatory determination about whether rare species occurrences on these reports are subject to the provisions of the FHACA. Applicants should contact the DLUR directly.

Larry Miller
Natural Heritage Program



State of New Jersey

MAIL CODE 501-04

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DIVISION OF PARKS & FORESTRY

NEW JERSEY FOREST SERVICE

OFFICE OF NATURAL LANDS MANAGEMENT

P.O. BOX 420

TRENTON, NJ 08625-0420

Tel. (609) 984-1339 Fax (609) 984-0427

PHILIP D. MURPHY

Governor

SHEILA Y. OLIVER

Lt. Governor

CATHERINE R. McCABE

Acting Commissioner

April 3, 2018

Shawn L. Shotzberger
AKRF, Inc.
307 Fellowship Road, Suite 214
Mount Laurel, NJ 08054

Re: NJ TRANSIT Sawtooth Bridge Replacement
Kearny Town, Hudson County

Dear Mr. Shotzberger:

Thank you for your data request regarding rare species information for the above referenced project site.

Searches of the Natural Heritage Database and the Landscape Project (Version 3.3) are based on a representation of the boundaries of your project site in our Geographic Information System (GIS). We make every effort to accurately transfer your project bounds from the topographic map(s) submitted with the Natural Heritage Data Request Form into our Geographic Information System. We do not typically verify that your project bounds are accurate, or check them against other sources.

We have checked the Landscape Project habitat mapping and the Biotics Database for occurrences of any rare wildlife species or wildlife habitat on the referenced site. The Natural Heritage Database was searched for occurrences of rare plant species or ecological communities that may be on the project site. Please refer to Table 1 (attached) to determine if any rare plant species, ecological communities, or rare wildlife species or wildlife habitat are documented on site. A detailed report is provided for each category coded as 'Yes' in Table 1.

We have also checked the Landscape Project habitat mapping and Biotics Database for occurrences of rare wildlife species or wildlife habitat in the immediate vicinity (within ½ mile) of the referenced site. Additionally, the Natural Heritage Database was checked for occurrences of rare plant species or ecological communities within ½ mile of the site. Please refer to Table 2 (attached) to determine if any rare plant species, ecological communities, or rare wildlife species or wildlife habitat are documented within the immediate vicinity of the site. Detailed reports are provided for all categories coded as 'Yes' in Table 2. These reports may include species that have also been documented on the project site.

We have also checked the Landscape Project habitat mapping and Biotics Database for all occurrences of rare wildlife species or wildlife habitat within one mile of the referenced site. Please refer to Table 3 (attached) to determine if any rare wildlife species or wildlife habitat is documented within one mile of the project site. Detailed reports are provided for each category coded as 'Yes' in Table 3. These reports may include species that have also been documented on the project site.

For requests submitted as part of a Flood Hazard Area Control Act (FHACA) rule application, we report records for all rare plant species and ecological communities tracked by the Natural Heritage Program that may be on, or in the immediate vicinity of, your project site. A subset of these plant species are also covered by the FHACA rules when the records are located within one mile of the project site. One mile searches for FHACA plant species will only report precisely located occurrences for those wetland plant species identified under the FHACA regulations as being critically dependent on the watercourse. Please refer to Table 3 (attached) to determine if any precisely located rare wetland plant species covered by the FHACA rules have been documented. Detailed reports are provided for each category coded as 'Yes' in Table 3. These reports may include species that have also been documented on, or in the immediate vicinity of, the project site.

NHP File No. 18-4007462-13917

The Natural Heritage Program reviews its data periodically to identify priority sites for natural diversity in the State. Included as priority sites are some of the State's best habitats for rare and endangered species and ecological communities. Please refer to Tables 1, 2 and 3 (attached) to determine if any priority sites are located on, in the immediate vicinity, or within one mile of the project site.

A list of rare plant species and ecological communities that have been documented from the county (or counties), referenced above, can be downloaded from <http://www.state.nj.us/dep/parksandforests/natural/heritage/countylist.html>. If suitable habitat is present at the project site, the species in that list have potential to be present.

Status and rank codes used in the tables and lists are defined in EXPLANATION OF CODES USED IN NATURAL HERITAGE REPORTS, which can be downloaded from http://www.state.nj.us/dep/parksandforests/natural/heritage/nhpcodes_2010.pdf.

Beginning May 9, 2017, the Natural Heritage Program reports for wildlife species will utilize data from Landscape Project Version 3.3. If you have questions concerning the wildlife records or wildlife species mentioned in this response, we recommend that you visit the interactive web application at the following URL, <https://njdep.maps.arcgis.com/apps/webappviewer/index.html?id=0e6a44098c524ed99bf739953cb4d4c7>, or contact the Division of Fish and Wildlife, Endangered and Nongame Species Program at (609) 292-9400.

For additional information regarding any Federally listed plant or animal species, please contact the U.S. Fish & Wildlife Service, New Jersey Field Office at <http://www.fws.gov/northeast/njfieldoffice/endangered/consultation.html>.

PLEASE SEE 'CAUTIONS AND RESTRICTIONS ON NHP DATA', which can be downloaded from <http://www.state.nj.us/dep/parksandforests/natural/heritage/newcaution2008.pdf>.

Thank you for consulting the Natural Heritage Program. The attached invoice details the payment due for processing this data request. Feel free to contact us again regarding any future data requests.

Sincerely,

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

Robert J. Cartica
Administrator

c: NHP File No. 18-4007462-13917

Mail Code 501-04 Department of Environmental Protection New Jersey Forest Service Office of Natural Lands Management P.O. Box 420 Trenton, New Jersey 08625-0420 Tel. (609) 984-1339 Fax. (609) 984-1427		<h1 style="text-align: right; margin: 0;"><i>Invoice</i></h1>	
		Date	Invoice #
		4/3/2018	13917
Bill to: AKRF, Inc. 307 Fellowship Road, Suite 214 Mount Laurel, NJ 08054		Make check payable to: DEP - Office of Natural Lands Management And forward with a copy of this statement to: Mail Code 501-04 Office of Natural Lands Management P.O. Box 420 Trenton, New Jersey 08625-0420	
Quantity (hrs.)	Description	Rate (per hr.)	Amount
1	Natural Heritage Database search for locational information of rare species and ecological communities. Project: 18-4007462-13917	\$ 70.00	\$ 70.00
Shawn L. Shotzberger Project Name: NJ TRANSIT Sawtooth Bridge Replacement		Total	\$ 70.00

Table 1: On Site Data Request Search Results (6 Possible Reports)

<u>Report Name</u>	<u>Included</u>	<u>Number of Pages</u>
1. Possibly on Project Site Based on Search of Natural Heritage Database: Rare Plant Species and Ecological Communities Currently Recorded in the New Jersey Natural Heritage Database	No	0 pages included
2. Natural Heritage Priority Sites On Site	No	0 pages included
3. Rare Wildlife Species or Wildlife Habitat on the Project Site Based on Search of Landscape Project 3.3 Species Based Patches	Yes	1 page(s) included
4. Vernal Pool Habitat on the Project Site Based on Search of Landscape Project 3.3	No	0 pages included
5. Rare Wildlife Species or Wildlife Habitat on the Project Site Based on Search of Landscape Project 3.3 Stream Habitat File	No	0 pages included
6. Other Animal Species On the Project Site Based on Additional Species Tracked by Endangered and Nongame Species Program	No	0 pages included

<p>Rare Wildlife Species or Wildlife Habitat on the Project Site Based on Search of Landscape Project 3.3 Species Based Patches</p>
--

Class	Common Name	Scientific Name	Feature Type	Rank	Federal Protection Status	State Protection Status	Grank	Srank
<i>Aves</i>								
	Bald Eagle	Haliaeetus leucocephalus	Foraging	4	NA	State Endangered	G5	S1B,S2N
	Glossy Ibis	Plegadis falcinellus	Foraging	2	NA	Special Concern	G5	S3B,S4N
	Little Blue Heron	Egretta caerulea	Foraging	2	NA	Special Concern	G5	S3B,S3N
	Osprey	Pandion haliaetus	Foraging	3	NA	State Threatened	G5	S2B,S4N
	Snowy Egret	Egretta thula	Foraging	2	NA	Special Concern	G5	S3B,S4N

Table 2: Vicinity Data Request Search Results (6 possible reports)

<u>Report Name</u>	<u>Included</u>	<u>Number of Pages</u>
1. Immediate Vicinity of the Project Site Based on Search of Natural Heritage Database: Rare Plant Species and Ecological Communities Currently Recorded in the New Jersey Natural Heritage Database	No	0 pages included
2. Natural Heritage Priority Sites within the Immediate Vicinity	No	0 pages included
3. Rare Wildlife Species or Wildlife Habitat Within the Immediate Vicinity of the Project Site Based on Search of Landscape Project 3.3 Species Based Patches	Yes	1 page(s) included
4. Vernal Pool Habitat In the Immediate Vicinity of Project Site Based on Search of Landscape Project 3.3	No	0 pages included
5. Rare Wildlife Species or Wildlife Habitat In the Immediate Vicinity of the Project Site Based on Search of Landscape Project 3.3 Stream Habitat File	No	0 pages included
6. Other Animal Species In the Immediate Vicinity of the Project Site Based on Additional Species Tracked by Endangered and Nongame Species Program	No	0 pages included

<p align="center">Rare Wildlife Species or Wildlife Habitat Within the Immediate Vicinity of the Project Site Based on Search of Landscape Project 3.3 Species Based Patches</p>

Class	Common Name	Scientific Name	Feature Type	Rank	Federal Protection Status	State Protection Status	Grank	Srank
<hr/>								
<i>Aves</i>								
	Bald Eagle	Haliaeetus leucocephalus	Foraging	4	NA	State Endangered	G5	S1B,S2N
	Cattle Egret	Bubulcus ibis	Foraging	3	NA	State Threatened	G5	S2B,S3N
	Glossy Ibis	Plegadis falcinellus	Foraging	2	NA	Special Concern	G5	S3B,S4N
	Little Blue Heron	Egretta caerulea	Foraging	2	NA	Special Concern	G5	S3B,S3N
	Northern Harrier	Circus cyaneus	Non-breeding Sighting	2	NA	Special Concern	G5	S1B,S3N
	Osprey	Pandion haliaetus	Foraging	3	NA	State Threatened	G5	S2B,S4N
	Snowy Egret	Egretta thula	Foraging	2	NA	Special Concern	G5	S3B,S4N

Table 3: Within 1 Mile for FHACA Searches (6 possible reports)

<u>Report Name</u>	<u>Included</u>	<u>Number of Pages</u>
1. Rare Plant Species Occurrences Covered by the Flood Hazard Area Control Act Rule Within One Mile of the Project Site Based on Search of Natural Heritage Database	No	0 pages included
2. Natural Heritage Priority Sites within 1 mile	No	0 pages included
3. Rare Wildlife Species or Wildlife Habitat Within One Mile of the Project Site Based on Search of Landscape Project 3.3 Species Based Patches	Yes	2 page(s) included
4. Vernal Pool Habitat Within One Mile of the Project Site Based on Search of Landscape Project 3.3	No	0 pages included
5. Rare Wildlife Species or Wildlife Habitat Within One Mile of the Project Site Based on Search of Landscape Project 3.3 Stream Habitat File	No	0 pages included
6. Other Animal Species Within One Mile of the Project Site Based on Additional Species Tracked by Endangered and Nongame Species Program	No	0 pages included

**Rare Wildlife Species or Wildlife Habitat Within
One Mile of the Project Site Based on Search of
Landscape Project 3.3 Species Based Patches**

Class	Common Name	Scientific Name	Feature Type	Rank	Federal Protection Status	State Protection Status	Grank	Srank
<i>Aves</i>								
	Bald Eagle	Haliaeetus leucocephalus	Foraging	4	NA	State Endangered	G5	S1B,S2N
	Bald Eagle	Haliaeetus leucocephalus	Nest	4	NA	State Endangered	G5	S1B,S2N
	Black-crowned Night-heron	Nycticorax nycticorax	Foraging	3	NA	State Threatened	G5	S2B,S3N
	Cattle Egret	Bubulcus ibis	Foraging	3	NA	State Threatened	G5	S2B,S3N
	Glossy Ibis	Plegadis falcinellus	Foraging	2	NA	Special Concern	G5	S3B,S4N
	Least Bittern	Ixobrychus exilis	Breeding Sighting-Confirmed	2	NA	Special Concern	G5	S3B,S3N
	Little Blue Heron	Egretta caerulea	Foraging	2	NA	Special Concern	G5	S3B,S3N
	Northern Harrier	Circus cyaneus	Non-breeding Sighting	2	NA	Special Concern	G5	S1B,S3N
	Osprey	Pandion haliaetus	Foraging	3	NA	State Threatened	G5	S2B,S4N
	Osprey	Pandion haliaetus	Nest	3	NA	State Threatened	G5	S2B,S4N
	Peregrine Falcon	Falco peregrinus	Urban Nest	4	NA	State Endangered	G4	S1B,S3N
	Pied-billed Grebe	Podilymbus podiceps	Breeding Sighting-Confirmed	4	NA	State Endangered	G5	S1B,S3N

**Rare Wildlife Species or Wildlife Habitat Within
One Mile of the Project Site Based on Search of
Landscape Project 3.3 Species Based Patches**

Class	Common Name	Scientific Name	Feature Type	Rank	Federal Protection Status	State Protection Status	Grank	Srank
	Snowy Egret	Egretta thula	Foraging	2	NA	Special Concern	G5	S3B,S4N

Appendix 2 – A – 9
LETTER TO NMFS – EFH: MARCH 13, 2018



Environmental and Planning Consultants

440 Park Avenue South
7th Floor
New York, NY 10016
tel: 212 696-0670
fax: 212 213-3191
www.akrf.com

March 13, 2018

Christopher Boelke
Habitat Conservation Division
NOAA National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930-2276

**Re: Essential Fish Habitat and Fish and Wildlife Coordination Act Species Information
Amtrak Sawtooth Bridges, Town of Kearny, Hudson County, NJ**

Dear Mr. Boelke:

The National Railroad Passenger Corporation (Amtrak) is proposing the replacement of Amtrak Bridge No. 7.80 (which carries Amtrak's Northeast Corridor over NJ Transit rail tracks) and Amtrak Bridge No. 7.96 (which carries the Northeast Corridor over PATH and Conrail rail tracks). These two bridges are collectively referred to as the "Sawtooth Bridges". The Sawtooth Bridges are located along a critical segment of the Northeast Corridor between Newark, NJ and New York, NY. The existing two-track Sawtooth Bridges were constructed in 1908, and comprise a concrete-encased floor beam system connected to girders supported on concrete-encased columns. It is anticipated that the proposed project will result in a four-track crossing and that maximum allowable speeds will be increased from 60 miles per hour (mph) to 90 mph. The project limits extend approximately from Hudson Interlocking at MP 8.3 to Swift Interlocking at MP 7.2 (see Figure 1).

The Federal Railroad Administration (FRA) is the lead federal agency for the environmental review, which is being prepared in accordance with the National Environmental Policy Act (NEPA). In support of this effort and on behalf of Amtrak, we are requesting information on Essential Fish Habitat and Fish and Wildlife Coordination Act species under NMFS's jurisdiction and input on any construction restrictions (i.e., construction windows) for this portion of New Jersey with respect to these resources. Information provided by NMFS will be used to aid in the design, schedule, and environmental review of the project, but maps of protected species or habitats will not be published in any document.

Please feel free to contact me at (856) 797-9930 or by email at SShotzberger@akrf.com if you should have any questions regarding this information request. Thank you for your time in providing us with this information.

Sincerely,

A handwritten signature in black ink, reading "Shawn Z. Shotzberger". The signature is fluid and cursive, with the first name "Shawn" and last name "Shotzberger" clearly legible, and a middle initial "Z." in between.

Shawn Shotzberger
Senior Technical Director

enclosure

cc: John Brun, Amtrak

Appendix 2 – A – 10

LETTER TO NMFS – T&E SPECIES: MARCH 13, 2018



Environmental and Planning Consultants

440 Park Avenue South
7th Floor
New York, NY 10016
tel: 212 696-0670
fax: 212 213-3191
www.akrf.com

March 13, 2018

Mary A. Colligan
Assistant Regional Administrator for Protected Resources
NOAA National Marine Fisheries Service
Protected Resources Division
1 Blackburn Drive
Gloucester, MA 01930

Re: **Consultation Regarding Threatened and Endangered Species and Marine Mammals
Amtrak Sawtooth Bridges, Town of Kearny, Hudson County, NJ**

Dear Ms. Colligan:

The National Railroad Passenger Corporation (Amtrak) is proposing the replacement of Amtrak Bridge No. 7.80 (which carries Amtrak's Northeast Corridor over NJ Transit rail tracks) and Amtrak Bridge No. 7.96 (which carries the Northeast Corridor over PATH and Conrail rail tracks). These two bridges are collectively referred to as the "Sawtooth Bridges". The Sawtooth Bridges are located along a critical segment of the Northeast Corridor between Newark, NJ and New York, NY. The existing two-track Sawtooth Bridges were constructed in 1908, and comprise a concrete-encased floor beam system connected to girders supported on concrete-encased columns. It is anticipated that the proposed project will result in a four-track crossing and that maximum allowable speeds will be increased from 60 miles per hour (mph) to 90 mph. The project limits extend approximately from Hudson Interlocking at MP 8.3 to Swift Interlocking at MP 7.2 (see Figure 1).

The Federal Railroad Administration (FRA) is the lead federal agency for the environmental review, which is being prepared in accordance with the National Environmental Policy Act (NEPA). In support of this effort and on behalf of Amtrak, we are requesting information on federally-listed threatened or endangered species, species of special concern, and marine mammals under the jurisdiction of the National Marine Fisheries Service (NMFS) within the vicinity of the study area for the proposed project. The information provided by NMFS will be used in the preparation of environmental documentation for this project. However, map(s) showing specific locations of sensitive species or habitats developed from lists provided by NMFS will not be published in any document.

Please feel free to contact me at (856) 797-9930 or by email at SShotzberger@akrf.com if you should have any questions regarding this information request. Thank you for your time in providing us with this information.

Sincerely,

A handwritten signature in black ink, reading "Shawn L. Shotzberger". The signature is written in a cursive, flowing style.

Shawn Shotzberger
Senior Technical Director

enclosure

cc: John Brun, Amtrak

Appendix 2 – A – 11

EMAIL FROM NMFS: MARCH 16, 2018

From: **Edith Carson - NOAA Federal** <edith.carson@noaa.gov>
Date: Fri, Mar 16, 2018 at 4:50 PM
Subject: AKRF Amtrack Sawtooth Bridges Kearny, NJ
To: sshotzberger@akrf.com
Cc: Ursula Howson - NOAA Affiliate <ursula.howson@noaa.gov>

Mr. Shotzberger,

We received your letter on March 16, 2018, regarding the Amtrack Sawtooth Bridge project in Kearny, NJ. Here are our comments.

Endangered Species Act

No federally listed or proposed threatened or endangered species under our jurisdiction are known to exist in the site of your proposed project. Based on this, we do not believe a consultation in accordance with section 7 of the Endangered Species Act is necessary. As such, no further coordination on this activity with the NMFS Protected Resources Division is necessary at this time. Should project plans change or new information become available that changes the basis for this determination, further coordination should be pursued. Please contact me ([978\) 282-8490](tel:978-282-8490) or Edith.Carson@noaa.gov), should you have any questions regarding these comments.

Magnuson-Stevens Fishery Conservation and Management Act - Essential Fish Habitat

Essential Fish Habitat (EFH) has been designated within the project area for a number of federally managed fish species. The Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires federal agencies to consult us on any action or proposed action authorized, funded, or undertaken by the agency that may adversely affect EFH identified under the MSA. The EFH regulations, 50 CFR Section 600.920, outline that consultation procedure and require the preparation of an EFH assessment by the action agency, or its designated non-federal representative. Based upon the information provided, further EFH consultation by the federal action agency will be required for this project. For a listing of EFH and further information, please go to our website at: <https://www.greateratlantic.fisheries.noaa.gov/habitat/efh/efhassessment.html>. If you wish to discuss this further, please contact Ursula Howson at [732-872-3116](tel:732-872-3116) or ursula.howson@noaa.gov.

Fish and Wildlife Coordination Act

The project area provides habitat for a wide variety of NOAA resources including resident, migratory and forage fish species such as weakfish, tautog, American eel, winter flounder, summer flounder, bluefish and many others. Depending upon the nature and extent of the work proposed, seasonal in-water work restrictions or other conditions may be required to avoid, minimize or mitigate for any adverse effects to aquatic resources and their habitats. Compensatory mitigation may also be necessary to offset habitat loss or degradation.

Thank you,

Edith

Edith Carson, M.Sc.

Section 7/Shortnose Sturgeon Fish Biologist
NOAA Fisheries
U.S. Department of Commerce
Greater Atlantic Regional Fisheries Office
Phone: [978-282-8490](tel:978-282-8490)
edith.carson@noaa.gov

For ESA Section 7 guidance please see:

<https://www.greateratlantic.fisheries.noaa.gov/section7>



Appendix 2 – B
IPaC TRUST REPORT

AMTRAK Sawtooth

IPaC Trust Resource Report

Generated July 31, 2015 10:58 AM MDT



US Fish & Wildlife Service

IPaC Trust Resource Report



Project Description

NAME

AMTRAK Sawtooth

PROJECT CODE

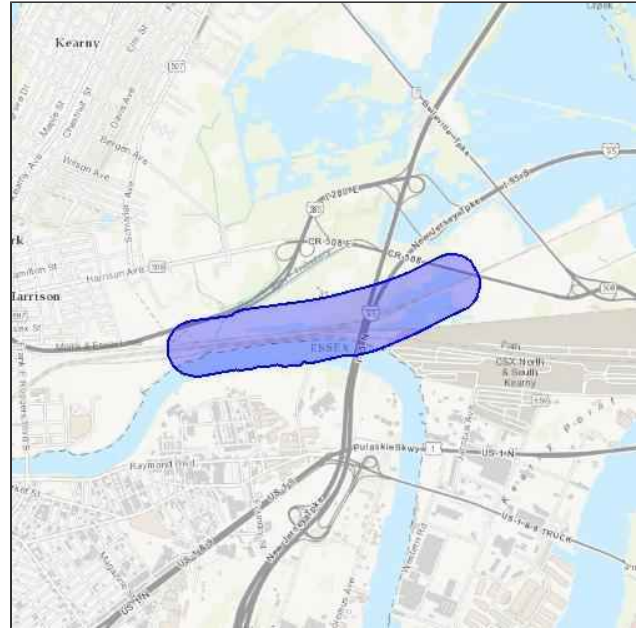
MYQUJ-FNKNZ-G57KM-V7ITC-7X72KY

LOCATION

Essex and Hudson counties, New Jersey

DESCRIPTION

No description provided



U.S. Fish & Wildlife Contact Information

Species in this report are managed by:

New Jersey Ecological Services Field Office

927 North Main Street, Building D

Pleasantville, NJ 08232-1454

(609) 646-9310

Endangered Species

Proposed, candidate, threatened, and endangered species that are managed by the [Endangered Species Program](#) and should be considered as part of an effect analysis for this project.

This unofficial species list is for informational purposes only and does not fulfill the requirements under [Section 7](#) of the Endangered Species Act, which states that Federal agencies are required to "request of the Secretary of Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action." This requirement applies to projects which are conducted, permitted or licensed by any Federal agency.

A letter from the local office and a species list which fulfills this requirement can be obtained by returning to this project on the IPaC website and requesting an Official Species List from the regulatory documents section.

There are no endangered species identified for this project area

Critical Habitats

Potential effects to critical habitat(s) within the project area must be analyzed along with the endangered species themselves.

There is no critical habitat within this project area

Migratory Birds

Birds are protected by the [Migratory Bird Treaty Act](#) and the Bald and Golden Eagle Protection Act.

Any activity which results in the take of migratory birds or eagles is prohibited unless authorized by the U.S. Fish and Wildlife Service (1). There are no provisions for allowing the take of migratory birds that are unintentionally killed or injured.

You are responsible for complying with the appropriate regulations for the protection of birds as part of this project. This involves analyzing potential impacts and implementing appropriate conservation measures for all project activities.

American Oystercatcher <i>Haematopus palliatus</i>	Bird of conservation concern
Year-round https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0G8	
American Bittern <i>Botaurus lentiginosus</i>	Bird of conservation concern
Season: Breeding https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0F3	
Bald Eagle <i>Haliaeetus leucocephalus</i>	Bird of conservation concern
Year-round https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B008	
Black Skimmer <i>Rynchops niger</i>	Bird of conservation concern
Season: Breeding https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0EO	
Black-billed Cuckoo <i>Coccyzus erythrophthalmus</i>	Bird of conservation concern
Season: Breeding https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0HI	
Blue-winged Warbler <i>Vermivora pinus</i>	Bird of conservation concern
Season: Breeding	
Canada Warbler <i>Wilsonia canadensis</i>	Bird of conservation concern
Season: Breeding	
Cerulean Warbler <i>Dendroica cerulea</i>	Bird of conservation concern
Season: Breeding https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B09I	
Fox Sparrow <i>Passerella iliaca</i>	Bird of conservation concern
Season: Wintering	
Golden-winged Warbler <i>Vermivora chrysoptera</i>	Bird of conservation concern
Season: Breeding https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0G4	
Hudsonian Godwit <i>Limosa haemastica</i>	Bird of conservation concern
Season: Migrating	
Kentucky Warbler <i>Oporornis formosus</i>	Bird of conservation concern
Season: Breeding	

Least Bittern <i>Ixobrychus exilis</i> Season: Breeding	Bird of conservation concern
Peregrine Falcon <i>Falco peregrinus</i> Season: Wintering https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?sPCODE=B0FU	Bird of conservation concern
Pied-billed Grebe <i>Podilymbus podiceps</i> Year-round	Bird of conservation concern
Prairie Warbler <i>Dendroica discolor</i> Season: Breeding	Bird of conservation concern
Purple Sandpiper <i>Calidris maritima</i> Season: Wintering	Bird of conservation concern
Red Knot <i>Calidris canutus rufa</i> Season: Wintering https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?sPCODE=B0DM	Bird of conservation concern
Rusty Blackbird <i>Euphagus carolinus</i> Season: Wintering	Bird of conservation concern
Saltmarsh Sparrow <i>Ammodramus caudatus</i> Season: Breeding	Bird of conservation concern
Seaside Sparrow <i>Ammodramus maritimus</i> Year-round	Bird of conservation concern
Short-eared Owl <i>Asio flammeus</i> Season: Wintering https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?sPCODE=B0HD	Bird of conservation concern
Snowy Egret <i>Egretta thula</i> Season: Breeding	Bird of conservation concern
Upland Sandpiper <i>Bartramia longicauda</i> Season: Breeding https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?sPCODE=B0HC	Bird of conservation concern
Wood Thrush <i>Hylocichla mustelina</i> Season: Breeding	Bird of conservation concern
Worm Eating Warbler <i>Helmitheros vermivorum</i> Season: Breeding	Bird of conservation concern

Refuges

Any activity proposed on [National Wildlife Refuge](#) lands must undergo a 'Compatibility Determination' conducted by the Refuge. If your project overlaps or otherwise impacts a Refuge, please contact that Refuge to discuss the authorization process.

There are no refuges within this project area

Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats from your project may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal Statutes.

Project proponents should discuss the relationship of these requirements to their project with the Regulatory Program of the appropriate [U.S. Army Corps of Engineers District](#).

DATA LIMITATIONS

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

DATA EXCLUSIONS

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

DATA PRECAUTIONS

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

Wetland data is unavailable at this time.

Appendix 2 – C
WETLAND PHOTO SHEETS



Open water area on south side of landfill 1D. Note emergent wetland fringe dominated by Phragmites



Open water area on south side of landfill 1D. Note emergent wetland fringe dominated by Phragmites



Cedar Creek Marsh South open water. View looking east.



Culvert connection from Cedar Creek Marsh South under New Jersey Turnpike. View looking east.



Open channel connection from Cedar Creek Marsh South. View looking west. Note gabion/rip rap shoreline.



Cedar Creek Marsh North. View looking northeast.



Open water area connecting open channel extending from Cedar Creek Marsh South to Northern Pond. View looking north. Note culvert connection under rail not visible.



Small open water area under the New Jersey Turnpike located east of Northern Pond.