
APPENDIX B
CORRESPONDENCE



THE Louis Berger Group, Inc.

120 Halsted Street, East Orange, New Jersey 07018 USA
Tel 973 678 1960 Fax 973 678 3427 www.louisberger.com

January 5, 2007

Ms. Dorothy Guzzo
New Jersey Department of Environmental Protection
Natural & Historic Resources
Historic Preservation Office
P.O. Box 404, Trenton, New Jersey 08625-0404

**Re: New Jersey Turnpike Widening, Interchanges 6 – 8A
Burlington, Mercer and Middlesex Counties
E.O. 215, Draft Area of Potential Effect**

Dear Ms. Guzzo:

Enclosed you will find the request to initiate consultation under New Jersey Executive Order 215 – Environmental Assessment. The Louis Berger Group, Inc. is acting as an agent to the New Jersey Turnpike Authority and has completed a draft Area of Potential Effect (APE) delineation. Please review this information and provide your concurrence with the delineated APE's.

Should you have any questions on this matter, please do not hesitate to contact Susan Grzybowski, Assistant Director of Cultural Resources at 973-678-1960, x763 (email: sgrzy@louisberger.com) or Zachary Davis, Senior Archaeologist, at x778 (email: zdavis@louisberger.com). Thank you for your time and we await your concurrence.

Very truly yours,

THE LOUIS BERGER GROUP, INC.

Lawrence Pesesky
Transportation Planning Division V. P.

LP:zjd
Enclosure (6)

Cc: K. Hess, Berger
D. Ehrenbeck, Berger
S. Grzybowski, Berger
Z. Davis, Berger
S. Bente, NJTA
Berger XE3545



State of New Jersey

Department of Environmental Protection

Richard J. Codey
Acting Governor

Bradley M. Campbell
Commissioner

Environmental Regulation
Office of Pollution Prevention and Right to Know
401 East State St., 3rd floor, Trenton, NJ 08625-0423
Tel. (609) 292-3600
Fax. (609) 777-1330

SMB	
BC	
HG	
TJD	
RAM	
TV	
RP	
RJR	
RJG	
FILE	

August 30, 2005

Stephen M. Buente, P.E.
Supervising Engineer - Planning
New Jersey Turnpike Authority
P.O. Box 1121
New Brunswick, NJ 08903

RE: New Jersey Turnpike Widening Project - Exits 6-8A

Dear Mr. Buente,

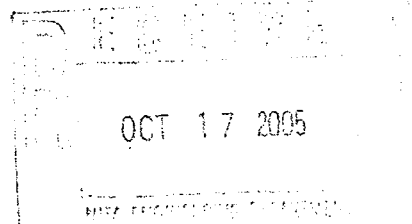
The Office of Permit Coordination and Environmental Review of the New Jersey Department of Environmental Protection (NJDEP) has completed its review of the *Environmental Investigation/Studies* scoping document for the New Jersey Turnpike Widening Project - Exits 6-8A. We offer the following comments for your consideration.

Land Use Regulation Program

The NJDEP's Land Use Regulation Program concerns are directed to the specific impact areas noted below.

Soil Suitability and Geology: Acid soils are mentioned in the report, (*Environmental Investigations/Studies*), and are certain to be encountered. This may cause a problem not only for re-vegetation of the Right of Way (ROW), but also for wetlands creation/restoration and water quality. Careful planning will be required to prevent potential long-term impacts.

Streams and Rivers: Watershed areas upstream of the turnpike area need to be interpreted from the United States Geological Survey (USGS) -NJDEP Hydrologic Unit Code (HUC) coverages and not "interpreted from USGS topographic quadrangles". HUC delineations are jointly approved by NJDEP-USGS. Using topoquad interpretation will cause errors. In addition to Federal Emergency Management Agency (FEMA) studies, New Jersey State Studies should be used if available.



Wetlands and Ecology: It can be assumed that the project will impact more than 5 acres and therefore the project becomes a "Major Discharge" under the Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A). Coordination with both the Environmental Protection Agency (EPA) and Philadelphia District, Army Corps of Engineers (ACOE) is recommended, even at the preliminary stages of the project planning, in anticipation of the required submission.

Division of Fish and Wildlife

It appears that the proposed studies are basically adequate, however, there are two areas that may need to be pursued or emphasized.

- 1) The DFW is unsure of what is meant by "using the NJDEP GIS database" relative to biological resources. If it means utilizing Landscape Mapping [Version II] under iMap, then this would be satisfactory, otherwise *important information* on habitat suitability for endangered/ threatened/ priority species would be missing. Consulting with the Natural Heritage Program, as proposed in the document, would provide this same information but without a mapping advantage.
- 2) Relative to the turnpike widening through the Assunpink Wildlife Management Area (WMA), we note these lands were acquired through the Green Acres Program and given to the DFW to administer. If the ROW is insufficient for widening, the taking of these lands, depending on acreage, may require Statehouse/ NJDEP Commissioner approval. If Assunpink WMA is impacted, the Turnpike Authority or consultant is also advised to consult with the DFW's Bureau of Lands Management (Anthony Petrongolo, Chief; 609-984-1401) to determine the degree of involvement that office would have, if any.

State Historic Preservation Office

The NJ Turnpike Authority's document *Environmental Investigations/Studies* prepared by Louis Berger & Associates includes an acceptable approach to historic and archaeological resource considerations. The planned "preliminary archaeological and historic architectural study" with technical reporting per State Historic Preservation Office (SHPO) guidelines is equivalent to Phase IA archaeological survey and architectural reconnaissance we typically recommend for projects of this sort.

Thank you for giving the New Jersey Department of Environmental Protection the opportunity to comment on the *Environmental Investigation/Studies* scoping document for the New Jersey Turnpike Widening Project - Exits 6-8A.

Sincerely,



Kenneth C. Koschek
Supervising Environmental Specialist
Office of Permit Coordination
and Environmental Review



State of New Jersey

Department of Environmental Protection
Division of Parks and Forestry
Office of Natural Lands Management
Natural Heritage Program
P.O. Box 404
Trenton, NJ 08625-0404
Tel. #609-984-1339
Fax. #609-984-1427

James E. McGreevey
Governor

Bradley M. Campbell
Commissioner

May 26, 2005

Craig Hanlon
The Louis Berger Group, Inc.
30 Vreeland Road, Building A
Florham Park, NJ 07932

Re: New Jersey Turnpike, Interchange 6-8A Widening

Dear Mr. Hanlon:

Thank you for your data request regarding rare species information for the above referenced project site in Burlington, Mercer and Middlesex Counties.

Searches of the Natural Heritage Database and the Landscape Project (Version 2) 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 Natural Heritage Database and the Landscape Project habitat mapping for occurrences of any rare wildlife species or wildlife habitat on the referenced site. Please see Table 1 for species list and conservation status.

Table 1 (on referenced site).

Common Name	Scientific Name	Federal Status	State Status	Grank	Srank
bobolink	<i>Dolichonyx oryzivorus</i>		T/T	G5	S2B
Cooper's hawk	<i>Accipiter cooperii</i>		T/T	G5	S3B,S4N
eastern box turtle	<i>Terrapene carolina</i>		Special Concern	G5	S5B
Fowler's toad	<i>Bufo woodhousii fowleri</i>		Special Concern	G5	S4
least flycatcher	<i>Empidonax minimus</i>		Special Concern	G5	S3B
savannah sparrow	<i>Passerculus sandwichensis</i>		T/T	G5	S2B,S4N
spotted turtle	<i>Clemmys guttata</i>		Special Concern	G5	S4
vesper sparrow	<i>Pooecetes gramineus</i>		E	G5	S1B,S2N

Neither the Natural Heritage Database nor the Landscape Project has records for any additional rare wildlife species or wildlife habitat within 1/4 mile of the referenced site.

We have also checked the Natural Heritage Database for occurrences of rare plant species or natural communities. The Natural Heritage Data Base does not have any records for rare plants or natural communities on or within 1/4 mile of the site.

Attached are lists of rare species and natural communities that have been documented from Burlington, Mercer and Middlesex Counties. If suitable habitat is present at the project site, these species have potential to be present.

Status and rank codes used in the tables and lists are defined in the attached EXPLANATION OF CODES USED IN NATURAL HERITAGE REPORTS.

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

PLEASE SEE THE ATTACHED 'CAUTIONS AND RESTRICTIONS ON NHP DATA'.

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,

Herbert A. Lord

Herbert A. Lord
Data Request Specialist

cc: Robert J. Cartica
Lawrence Niles
NHP File No. 05-General

CAIT



United States Department of the Interior

FISH AND WILDLIFE SERVICE
927 North Main Street
Pleasantville, New Jersey 08232
Phone: (609) 646-9310 Fax: (609) 646-0352
http://njfieldoffice.fws.gov



In Reply Refer To:
ES-05/157

JUL 29 2005

Craig P. Hanlon, Senior Environmental Scientist
The Louis Berger Group, Inc.
30 Vreeland Road, Building A
Florham Park, New Jersey 07932
Fax Number: (973) 765-9891

Reference: ***Threatened and endangered species review in the vicinity of the proposed New Jersey Turnpike Interchange 6 to 8A Widening located in Burlington, Mercer, and Middlesex Counties, New Jersey (JR-2687)***

The U. S. Fish and Wildlife Service's New Jersey Field Office (Service) has received your request for information regarding occurrences of federally listed threatened and endangered species within the vicinity of the above referenced project/property. From the information provided, the Service is unable to determine if any federally listed threatened and endangered species will be affected by the proposed project. To assist you in determining the potential impacts on any federally listed species, the Service requests that you provide the following additional information to this office.

- _____ A brief description of the proposed project, including proposed utilities and stormwater management.
- _____ A description of the natural characteristic of the property and surrounding area (forested areas, freshwater wetlands, open waters, and soils). Additionally, please include a description of surrounding land use (residential, agricultural, or commercial).
- _____ A description of the area to be impacted by the proposed project, including trees to be removed.
- _____ The name(s) of any federal agency providing authorization or funding for the proposed project.
- _____ The location of the above referenced property and extent of any project-related activities or discharges clearly indicated on a copy of a USGS 7.5 Minute Topographic Quadrangle (Quad) with the name of the Quad(s) clearly labeled. Please provide the maps at a scale depicting at least a 1-mile radius surrounding the project site.
- Other: ***See Attached - bog turtle habitat survey in the vicinity of Thorton Creek, Chester Township, Burlington County***

Section 9 of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) (ESA) prohibits unauthorized taking of listed species and applies to federal and non-federal activities. Additionally, endangered species and their habitats are protected by Section 7(a)(2) of the ESA, which requires federal agencies, in consultation with the Service, to ensure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat. An assessment of the potential direct, indirect, and cumulative impacts is required for all federal actions that may affect listed species.

Project construction or implementation must not commence until all requirements of the ESA have been fulfilled. If you have any question or require further assistance regarding threatened or endangered species, please contact the Reviewing Biologist at (609) 646-9310. Please refer to the above document control number in future correspondence. The Service will respond to your request within 30 days of receipt of the additional requested information.

Reviewing Biologist: *Lisa P. Arroyo* ext. *419*
Authorizing Supervisor: *J.C. [Signature]* *7/29/05*



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

JUN 27 2005

Craig P. Hanlon
Senior Environmental Scientist
The Louis Berger Group, Inc.
30 Vreeland Road, Building A
Florham Park, New Jersey 07932

Re: NJ Turnpike, Interchange 6 to 8A Widening

Dear Mr. Hanlon,

This is in response to your letter dated May 19, 2005 regarding a potential project to widen the New Jersey Turnpike between Interchange 6 and 8A on behalf of the New Jersey Turnpike Authority. The proposed turnpike widening spans the Burlington, Mercer and Middlesex counties, in New Jersey.

The federally endangered shortnose sturgeon (*Acipenser brevirostrum*) is known to occur in the Delaware River, including sections of the river that border or fall inside the New Jersey Counties mentioned above. However, the specific project area does not include any portion of the Delaware River, thus shortnose sturgeon will not be present in the project area. No other threatened or endangered species under the jurisdiction of NOAA's National Marine Fisheries Service are known to exist in the vicinity of the proposed project site. Therefore, no consultation pursuant to Section 7 of the Endangered Species Act of 1973, as amended, is required. Should project plans change or new information become available that changes the basis for this determination, then consultation should be initiated.

If you have any questions about these comments, please contact Sara McNulty at (978) 281-9300 ext. 6520.

Sincerely,

Mary A. Colligan
Assistant Regional Administrator
for Protected Resources



973-765-9891

~~(973-676-3564)~~ OLD

UNITED STATES DEPARTMENT OF
COMMERCE
National Oceanic and Atmospheric
Administration
NATIONAL MARINE FISHERIES SERVICE
Northeast Region
Habitat Conservation Division
James J. Howard Marine Sciences Laboratory
74 Magruder Road
Highlands, NJ 07732

To: Craig P. Hanlon, The Louis Berger Group, Inc.

February 10, 2006

Subject: NJ Turnpike, Interchange 6 to 8A Widening, Burlington, Mercer & Middlesex Counties, NJ

JR-2687

Anita Riportella
Anita Riportella (reviewing biologist)

The National Marine Fisheries Service's Habitat Conservation Division has received your request for information. Your request concerning the presence or absence of marine resources is required pursuant to the regional conditions implemented for nationwide permit activities or can be used to plan a project where other types of permits are required.

It should be noted that our response to your request should not be construed as a formal review of your proposed project with respect to its eligibility or compliance with the Corps' nationwide permit program. (NWP). It is incumbent upon you or your agent to coordinate your application with the appropriate office of the U.S. Army Corps of Engineers to ensure that the project complies with all of the necessary NWP requirements.

Based upon our review of the information you have provided, we offer the following comments:

Endangered Species Act

Other than an occasional transient, there are no endangered or threatened species under NMFS's jurisdiction present in the project area.

Endangered species or threatened species may be present in the project area. Please contact: Endangered Species Coordinator, Protected Resources Division, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930

Fish and Wildlife Coordination Act

The following may be present in the project area: alewife

DEPENDING UPON THE PROJECT DETAILS, RECOMMENDATIONS MAY INCLUDE:

Seasonal restriction for in-water work in Assiscunk Creek from 3/1 until 5/31 of any year

Magnuson-Stevens Fishery Conservation and Management Act (MSA)

: The project area has been designated as Essential Fish Habitat (EFH) pursuant to the MSA for one or more species. The information you have provided will be utilized by the Corps to prepare an EFH assessment of the proposed activity and its impacts to EFH. Conservation recommendations may be included as a condition of the permit. For a listing of EFH and further information regarding EFH, please go to our website: www.nmfs.gov/ro/doc/webIntro.html

no essential fish habitat present at the site

PLEASE NOTE IF CHECKED BELOW

: We are unable to fully respond to your request due to insufficient information provided in your request. In order to assess the effects to the above listed species by the proposed activity, please provide us with the all information required in condition G-1 of the regional permit conditions listed in the Federal Register/Vol. 67, No. 10, 15 January 2002.

: The proposed project does not appear to qualify for NWP authorization. To avoid any unnecessary and/or lengthy delays, please contact the Army Corps of Engineers at (215) 656-6728 as soon as possible to assure that your project complies with the NWP. Copy to: U.S. Army Corps of Engineers, Philadelphia District U.S. Army Corps of Engineers, New York District