



May 24, 2018

Mr. Stephan A. Ryba
Chief, Regulatory Branch
U.S. Army Corps of Engineers
New York District
Jacob K. Javits Federal Building
26 Federal Plaza
New York, N.Y. 10278-0090

RE: Public Notice Number: NAN- 2017-01615-WCA

Issue Date: April 26, 2018

Expiration Date: May 25, 2018

NY Waterway Application For Department of the Army Permit pursuant to 33 U.S.C. 403

Dear Mr. Ryba and Mr. Cannon:

The Fund for a Better Waterfront (FBW) requests that the U.S. Army Corps of Engineers (ACOE) prepare a full Environmental Impact Statement (EIS) to closely examine NY Waterway's proposal to place a ferry maintenance and support facility at the former Union Dry Dock site in Hoboken, for the following reasons. NY Waterway's proposal will cause significant environmental impacts. Several parties have set forth a number of reasonable alternatives that would completely avoid these impacts. Finally, the devastation that this proposal would cause has generated substantial controversy by the communities that would be impacted.

The Project Will Cause Several Significant Impacts, Triggering the Requirement For an Environmental Impact Statement

40 C.F.R. 1508.27 lists the factors that the Army Corps must consider in determining whether the impacts of this project are "significant" enough to warrant an Environmental Impact Statement. The project's impacts trigger several of these factors: First, this proposal will devastate an ecologically critical area in Hoboken Cove, and harm several Federally listed endangered or threatened species and their habitats. The project will also have a harmful impact on the widely used public open spaces and beloved historical resources adjacent to the project site. Finally, these impacts threaten to violate New Jersey's environmental protection laws, which triggers the requirement for an Environmental Impact Statement. For all of these reasons,

the ACOE must prepare an Environmental Impact Statement to "provide full and fair discussion of significant environmental impacts . . ." 40 C.F.R. 1502.1. ACOE must also enlist the cooperation of all applicable state and federal agencies, specifically including the National Oceanic and Atmospheric Administration and the New Jersey Department of Environmental Protection. 10 C.F.R. 1501.2. After circulation of the draft Environmental Impact Statement, ACOE should affirmatively solicit comments from organizations like Fund for a Better Waterfront, Resilience Paddle Sports, the Hudson Riverkeeper, the NY-NJ Baykeeper, and the River Project that have decades of experience and expertise with the Hudson River waterfront. 40 C.F.R. 1503.1(a)(4).

1. The Project Sharply Conflicts With the Recreational, Educational, and Public Open Space Uses of the Adjacent Properties.

The City of Hoboken has spent immeasurable time and effort to make the parcels adjacent to the proposed project site available for public use, and for public access to incredible views of the Hudson River; NY Waterway's proposal to place an active, polluting industrial operation alongside this popular urban park is wholly misguided. It jeopardizes the health and safety of the public, ignores the will of the local government and its residents, and forever extinguishes the vision of a truly public, fully connected waterfront park in Hoboken, nearly three decades in the making. The project would seriously degrade the public use and enjoyment of these properties. Under 40 C.F.R. 1508.27(b)(3), the project site's "proximity to . . . cultural resources, park lands . . . and scenic rivers" must be evaluated through an Environmental Impact Statement.

Such a busy industrial facility at this unique location could destroy the public recreation that flourishes there, as it a wildly popular area for kayaking, paddleboarding and fishing, supporting a wide array of local recreational businesses and community groups. The Hoboken Cove's beach is the sole location along New Jersey's Hudson River waterfront that provides a safe, well-protected location for human-powered boating.

The public fishing pier a few hundred feet south of the site is used on a daily basis by local fishermen. The current popularity of the public fishing pier, built at public expense, would be dramatically diminished by the frequent ferry traffic operating 7 days a week and the wakes and turbidity that would result.

The proposed site abuts both a children's playground and a skateboard park, and is adjacent to Hoboken's beloved waterfront park where one can always find residents and visitors alike biking, strolling, playing, jogging or simply enjoying the public open space and remarkable views of the Hudson River and the Manhattan skyline. The existing bike lane and sidewalk,

which serve as an important thoroughfare for residents of all ages, would be negatively impacted by service vehicles, employee car traffic and fuel trucks that would need to access the proposed site.

Founded in 2004, The Hoboken Cove Community Boathouse is an all-volunteer group that works to provide free water sport programs and access to the local waterways. Each year this organization puts more than 6,000 kayakers in the water, trains thousands of volunteers, and introduces hundreds to the sport for the first time. The popular Polynesian Festival and Hudson River Cup Races brings hundreds of residents and visitors to Hoboken Cove and includes boat races, hula dancing, live music and free kayak safety clinics. The festival brings revenue to local business and connects Hoboken to other waterfront communities that participate in the event.

Founded in 2010, Bike Hoboken is an all-volunteer group that strives to make Hoboken a haven for pedestrians and bicyclists alike while making bicycling safe, fun and accessible. A major focus of this organization is to advocate for municipal policy that promotes safe routes for cycling. NY Waterway's plans for the former Union Dry Dock would bring a disastrous amount of traffic to an area of town already plagued by gridlock. It would also disrupt the City's plans to continue a protected bike lane that runs from Newark to 4th Street at Hoboken's South Waterfront park northward on the river-side of Sinatra Drive from 4th Street up to 11th Street.

The Union Dry Dock site is the biggest impediment to the scores of runners, walkers and cyclists that enjoy the linear nature of Hoboken's public waterfront each day. The City of Hoboken's plans to continue the waterfront park at the Union Dry Dock property would complete one of the final links in this park system and open up full public access along Hoboken's waterfront.

For most of the last century, Hoboken's waterfront was dominated by maritime industries. That has all changed now. Over the past three decades, Hoboken's waterfront has been transformed with thousands of new residential units and commercial space added to this prime riverfront real estate. A ferry maintenance and refueling facility at this location is incompatible with this transformation. Looking on Google Earth, the distance from the site to one of the new Maxwell Place building is about 270 feet. The distance to the historic homes on Castle Point Terrace is as close as 108 feet. A dormitory at Stevens Institute of Technology is just 120 feet from the site.

In sum, the properties adjacent to the project site are immensely valuable because of their use and enjoyment by the public. The project's impacts to these public resources must be closely examined through an Environmental Impact Statement.

2. The Project Will Devastate an Ecologically Critical Area in Hoboken Cove.

The applicant's proposed diesel depot would cause irreparable harm to Hoboken Cove. This portion of the Hoboken waterfront is a unique geographical area because of its proximity to an ecologically critical area: the only sand beach on the Hudson River, south of the George Washington Bridge. Under 40 C.F.R. 1608.27(b)(3), impacts to "ecologically critical areas" must be evaluated through an Environmental Impact Assessment.

Hoboken Cove is protected from the strong currents and tides of the Hudson River on the south by Castle Point, a natural outcropping of serpentine rock, and on the north by an earthen peninsula at Maxwell Place Park. Hoboken Cove is an irreplaceable natural sand beach that slopes gently into the Hudson River, the only one of its kind on the New Jersey and New York coastline south of the George Washington Bridge. Elsewhere along this urban coastline there is an engineered hard edge -- bulkhead, cribbing and riprap that is less hospitable to marine wildlife as well as water recreation opportunities. Rather than sand, one finds mudflats, often seriously polluted, beneath the tidal waters.

Various studies have documented that natural sand areas sloping into the river support greater diversity of wildlife than vertical, hard-edged engineered structures. (Biodiversity in Hudson River shore zones: influence of shoreline type and physical structure, *Aquatic Sciences* 18 February 2012.) The natural beach, immediately north of the site is an intertidal zone thus serving as a rich, diverse marine habitat. The horseshoe crabs lay their eggs at this beach, one of the few areas where this is possible along New Jersey's Hudson River coastline. This species serves a critical role in the area's marine ecosystem; NJDEP has long recognized that protecting horseshoe crab spawning habitat "is critical to the survival of hundreds of thousands of shorebirds as they migrate to Arctic breeding grounds each spring." Local residents have both witnessed and photographed horseshoe crabs mating on the beach directly adjacent to the current Union Dry Dock site. (<http://www.njfishandwildlife.com/hcidform.htm>.)

In its application, NY Waterway claims that its proposed use is essentially the same as the Union Dry Dock & Repair Co. that operated there since 1976. Nothing could be further from the truth. Union Dry Dock's two slips were used for barge repair. Because the barges took weeks to repair, there was very little traffic to and fro. The barges had no engines and needed no fuel. A small crew of employees worked 8-hour shifts, 5 days a week. By contrast, NY Waterway plans to operate 18 hours a day, 7 days per week, making an estimated 80 ferry trips daily to and from the site. The high-speed ferries consume huge quantities of diesel fuel, requiring frequent refueling. The wakes and turbulence as well as the inevitable diesel fuel spills will make the surrounding waters of the Hudson River inhospitable for the fish population.

Most of the NY Waterway ferries operate with Tier 1 marine diesel engines, the most polluting class of diesel engines. According to the Union of Concerned Scientists, diesel fuel and its exhaust can contain hundreds of chemical elements, including sulfates, ammonium, nitrates, elemental carbon, condensed organic compounds, and even carcinogenic compounds and heavy metals. The applicant has already acknowledged that the proposed development will cause occasional “leaks and spills” of diesel and chemicals, and will pollute the area with aluminum shavings.

In their application, NY Waterway asserts that no dredging will be required. In order to continue its work, the Union Dry Dock Repair Co. undertook dredging at this site on a periodic basis. The NJDEP granted permits for dredging in 1982 (approx. 100,000 cubic yards), 1996 (approx. 80,000 cubic yards) and 2008 (approx. 4,500 cubic yards) at this site. The 2009 NJ Transit study *Ferry Berthing and Maintenance Facility – Alternative Site Analysis* also determined that dredging would be required for a ferry homeport at the Union Dry Dock site costing \$1 million. This is a location where sand naturally accretes as evidenced by the sand beach adjacent to this site. The *Bathymetric Contours-October 2017* sheet produced by Bowman Consulting as part of this application shows extremely shallow depths at Mean Lower Low Water along the shoreline from 1.2 to 3 feet. Even several hundred feet from the shoreline, depths ranged from 6 to 7 feet. In sum, if the project is approved, NY Waterway will most likely need to dredge the site on a periodic basis: and therefore, ACOE must consider the impacts of that dredging as a part of the NEPA review of this project, especially impacts to Essential Fish Habitat. 40 C.F.R. 1508.27(b)(6), (7).

In addition, NY Waterway has not identified mitigating measures that are required for any development which would result in releasing toxic chemicals, raising ambient water temperatures, and raising turbidity levels resulting from the proposed construction and increased usage. Also note, just this past January, NY Waterway spilled over 300 gallons of diesel fuel one-third of which flowed into the Hudson River at its Weehawken refueling site.

3. The Project Will Adversely Affect Federally Listed Endangered or Threatened Species, and Will Adversely Affect the Habitats of Those Species.

A number of endangered or threatened species thrive in Hoboken Cove’s ecologically critical area, detailed above. The project will devastate the population and the habitat for these species. Under 40 C.F.R. 1508.27(b)(9), such impacts must be thoroughly evaluated through an Environmental Impact Assessment.

Both U.S. Fish & Wildlife and NOAA Fisheries have identified as “endangered” two finfish: the Atlantic sturgeon and shortnose sturgeon plus one mammal, the Humpback whale, all of which have been found at the Hoboken Cove site. NOAA Fisheries has also identified another fish found at the Hoboken Cove, the blue back herring, as a candidate for "endangered" status. The New Jersey Division of Fish & Wildlife has also categorized the osprey, American kestrel and blackcrowned night-heron as "threatened." All of these birds have been identified at the Hoboken Cove. The Conserve Wildlife of New Jersey website also lists the common tern in the "special concern" category and states that the diamondback terrapin has been recommended for "special concern" status.

The fishermen who use the fishing pier south of the site have caught American Shad, Striped Bass, Blueback Herring, Atlantic Sturgeon, Shortnose Sturgeon, American Eel, Atlantic Menhaden, Red Hake, Tautog and Green Crab among others. The NJDEP CZM regulations list six of these migratory finfish among “species of concern”: blueback herring (*Alosa aestivalis*), American shad (*Alosa sapidissima*), striped bass (*Morone saxatilis*), Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*), Shortnose sturgeon (*Acipenser brevirostrum*) and American eel (*Anguilla rostrata*). It is likely that the natural sand beach, an intertidal zone in the protected Hoboken Cove, is home to marine vegetation and smaller marine species that serve as an important food source for these fish and other marine life.

The proposed use will involve heavy ferry traffic to and from the site, in a prime fishing area and finfish migratory pathway of the Hudson River. The constant, daily ferry traffic to this location, with the polluting diesel fumes, potential for fuel spills and strong wakes are likely to be seriously disruptive to fish, underwater vegetation and other wildlife.

Today, the shortnose sturgeon is in danger of extinction throughout its range and is listed as endangered under the Endangered Species Act. The primary threats to this species include habitat degradation, water pollution and dredging.¹ The coastal waters of the NJ/NY Harbor Estuary is an understudied and poorly understood area in regards to the fate of juvenile fish like the shortnose sturgeon and striped bass. According to the study, *Toxic effects of PCB126 and TCDD on shortnose sturgeon and Atlantic sturgeon (2012) Environmental toxicology and chemistry*, 31(10), 2324-2337 the researchers wrote that the geographic range of sturgeon in the Hudson River is not well understood. Although most research seems to be focused on the spawning habits of sturgeon in the Upper Hudson and little attention has been paid to the natural shoreline areas such as the Hoboken Cove, which is likely a key environment for juvenile fish to live and seek shelter before they migrate to the rougher waters of the ocean.

¹ <https://www.fisheries.noaa.gov/species/shortnose-sturgeon>

The Urban Ocean Observatory at Davidson Laboratory, Stevens Institute of Technology² continuously monitors salinity of the NY/NJ Harbor Estuary and has shown the salinity in the project area is 20-25 psu, which is well within the habitable level (maximum 30-31 psu). The Observatory's expert analysis debunks NY Waterway's incorrect claims that the Hudson River in the area of the project site is generally too saline for a genuine habitat for Atlantic Sturgeon and Shortnosed Sturgeon.

According to NOAA, following spawning, the Atlantic Sturgeon males may remain in the river or lower estuary until the fall; females typically exit the rivers within four to six weeks.³ Juveniles move downstream and inhabit brackish waters for a few months consuming a diet of crustaceans, worms, and mollusks. When they reach a size of about 30-36 inches, they move into nearshore coastal waters.

Over a three year period, Noelle Thurlow who is finishing her Master's degree in Conservation Biology at Miami University has conducted a habitat assessment at or near the site and at a pier several blocks north. Attached is her report, *Biodiversity of the Hoboken Waterfront - A survey of species richness, urban impact & sustainability* (January 2018) ("Thurlow Report"). As is required in the NJDEP CZM regulations, NY Waterway has not addressed how the increase in ferry traffic or an inevitable fuel spills would affect the species observed at the site.

In this study Ms. Thurlow states:

A total of seventy-two (72) species were identified within this biodiversity study as occurring in Hoboken waters and along the waterfront, including forty-nine (49) aquatic organisms, twenty-two (22) avians and two (2) terrestrial plants . . . Among the species identified in this survey, eight are classified as either species of special concern, threatened or endangered by federal and/or state regulations (Fig 2). These organisms include one mammal (Humpback whale, *Megaptera novaeangliae*), one reptile (Diamondback terrapin, *Malaclemys terrapin*), two fin fish (American Eel, *Anguilla rostrata* & Shortnose sturgeon, *Acipenser brevirostrum*) and four avian species (Osprey, *Pandion haleatus*; American kestrel, *Falco sparverius*; Common tern, *Sterna hirunda* and Blackcrowned Night-heron, *Nycticorax nycticorax*). Additionally, certain species identified in this survey, such as the Eastern oyster (*Crassostrea virginica*), River Herring/Shad (*Clupeidae*) and Striped bass (*Morone saxatilis*) are under careful

² <http://hudson.dl.stevens-tech.edu/maritimeforecast/maincontrol.shtml>

³ <http://www.nmfs.noaa.gov/pr/species/fish/atlantic-sturgeon.html>

watch to preserve sustainability as their populations were previously decimated and have only recently made a comeback.

Diamondback terrapins, a species of special concern in NJ were also observed several times per year, swimming within the waters of Hoboken Cove and under the Union Drydock. The presence of juvenile and diadromous fish species plus Diamondback terrapins suggest that the Hoboken Cove/Union Drydock area maybe critical habitat for both young fish and migrating species of fish and reptiles.

Thurlow Report p. 11.

Furthermore, Thurlow provides clear evidence that the area in and around the site is rich with marine organisms that serve as food for endangered or threatened species, or species of special concern:

Other aquatic organisms identified ... provide essential ecosystem services. As example, Mud snails, Grass shrimp, a variety of crabs and other crustaceans plus benthic invertebrates such as amphipods recycle detritus from the river bed (Levinton, 2006). They also serve as food for higher level consumers such as Sturgeons, American eels, Diamondback terrapins and Striped bass as well as other fish and birds. In this survey, these invertebrates were the species found most frequently under and along the edge of the Union Drydock, suggesting that the pier provides favorable habitat for detritus feeders.

Thurlow Report p. 11.

Again, NY Waterway has failed to address how the increased ferry traffic or contaminant spills would impact this critical habitat.

The Thurlow Report also documents evidence at the site of filter feeders, particularly ribbed mussels, species that play a critical role in the restoration of the Hudson River, a goal long embraced by NJDEP and Hudson Raritan Estuary Plan:

Further, Ribbed mussels *Geukensia demissa* were found living in the rip rap along the shoreline and in holes in the wooden pilings of the Union Drydock (fig 4). These mussels are filter feeders and like oysters, can remove nitrogen and other excess nutrients plus other impurities, improving the water quality (Galimany, 2013 & 2017; Hudson, 2016). Ribbed mussels are not eaten or sold

commercially and they can filter nearly as much as oysters (Galimany, 2013; Hudson, 2016). . . Successful restoration of filter feeders is crucial to ongoing clean-up efforts and improving the health of the estuary (Hudson Raritan Restoration Plan, 2016, Billion Oyster Project, n.d.). According to the Hudson, Raritan Comprehensive Restoration plan (2016), the Hoboken waterfront has been identified as habitat suitable for restoration shellfish beds.

While the organisms identified in this study currently exist within a degraded, urbanized estuary, **certain changes in use of the Union Drydock and other waterfront areas would likely damage these populations.** As example, dredging is known to destroy habitat, increase turbidity and reduce biodiversity (Kurlansky, 2007). Motorized vessel wake in shallow waters has been found to disrupt shellfish beds through forceful wave action (Bilkovic, 2017; Asplund, 2000). Boat wake has also been shown to increase turbidity, cause hypoxic conditions and kill fin fish, shellfish and plants (Bilkovic, 2017; Asplund, 2000). Excess shade from large docked vessels and larger piers has been shown to reduce light for plant growth and decrease biodiversity (Able & Duffy-Anderson, 2006; Able, 2013). Urban runoff via impermeable pavers in vehicle/boat maintenance areas has been shown to degrade water quality (Sanderson, 2016; Fondriest, 2016; Significant Habitats, n.d.). Even small petroleum spills during boat re-fueling can have a big impact on waterways (NY Sea Grant, n.d.). Hydrocarbons disrupt fish reproduction and reduce both growth and reproduction of other benthic species (NY Sea Grant, n.d. & Strassler, 1999). **This points again to the need for a professional biodiversity assessment and detailed pollution prevention plan before any new waterfront construction or increased industrial use of the study area is considered.**

Thurlow Report p. 11-13 (emphasis added).

After providing strong evidence that “organisms designated by state and federal law as threatened and endangered as well as species of special concern do occur” in the site, Thurlow concludes:

Augmenting industrial use within the study area without regard to biodiversity, including increases in boat traffic, wake, shade, dredging and petroleum discharge would cause a reduction in water quality, negatively impact many of the species present and limit restoration efforts. The US Army Corps of Engineers, the Port Authority of NY & NJ plus the NY/NJ Harbor Estuary Program have prioritized the maintenance of biodiversity, preservation of critical

habitat and protection of threatened species within the HRE (Baron, 2016). Thus, a professional biodiversity assessment is recommended for the Union Drydock and Hoboken Cove region. This would allow experts to develop a plan for enhancing biodiversity and creating a more sustainable, resilient Hoboken waterfront.

Thurlow Report p. 13.

In short, the proposed activity could have a significant negative impact on Critical Wildlife Habitats, and Endangered or Threatened Species Habitats. ACOE must prepare an Environmental Impact Statement to examine the impacts of increased ferry traffic to and from the site, and the increased pollution of the waters of the site on the existing marine and shore habitat.

4. The Project Will Cause The Loss of Several Cultural and Historic Resources.

The project will harm several properties that are an integral part of the history and culture of Hoboken's waterfront. Under 40 C.F.R. 1508.27(b)(8), impacts that "may cause loss or destruction of significant ...cultural, or historical resource" must be closely examined through an Environmental Impact Assessment.

Martha Bayard Stevens, the second wife of Edwin Stevens, the founder of Stevens Institute of Technology, was instrumental in the founding of Hoboken's first parks established in the 1800s: Hudson Square (now Stevens Park), Church Square Park and Elysian Park. The Hoboken Land and Improvement Company that managed the land owned by the Stevens family deeded the land that would become Elysian Park to the City of Hoboken on February 11, 1898. The historic Elysian Park is directly across the street from the Union Dry Dock site, bounded by Sinatra Drive and Hudson Street south of 11th and north of 10th.

Sybil's Cave, located along Sinatra Drive several hundred feet south of Union Dry Dock, is the oldest manmade structure in Hoboken, created in 1832 by the Stevens Family as a folly on their property that contained a natural spring. By the mid-19th century the cave was a recreational destination attracting throngs of visitors. A restaurant offered outdoor refreshments beside the cave. In 2007 the cave was partially restored by the City of Hoboken. The Hoboken Historical Museum received a grant in 2009 from the New Jersey Historic Trust for a geo-ecological plan for an appropriate use of the Cave and interpretive programming.

The heavy industrial operation, especially the diesel fumes from the ferry traffic and refueling of the vessels, plus the vehicular traffic it would generate, would seriously impede

public access and use of these historic sites. Today, Elysian Park is heavily used by people from the neighborhood many of whom bring their young children to play on the swings, slides and other play equipment. The future use of Sybil's Cave on the western side of Sinatra Drive would be inhibited by vehicular traffic, making pedestrian crossing from the waterfront park and walkway difficult and unsafe. The City of Hoboken estimates that with two work shifts, ferry employees could be making from 240 to 408 vehicular trips daily in addition to the trucks delivery fuel and supplies. The ferry maintenance facility at the site would seriously erode the City's current plans to enhance the public recreational opportunities at and surrounding the Union Dry Dock property, including these historic sites. These plans include narrowing the roadway to slow traffic, discouraging its use as a thoroughfare, thus making it safer for pedestrians. The plans also include constructing a protected bike path separated from the roadway thus encouraging cycling traffic up and down Hoboken's waterfront.

5. The Project Violates State Environmental Protection Laws.

According to Section 307(c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], the applicant must certify in the permit application that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. Based on our review, the NY Waterway application fails to comply with the following NJDEP Coastal Zone Management Rules (N.J.A.C. 7:7) that pertain to marine and shore wildlife:

- 7:7-9.4 Prime Fishing Areas;
- 7:7-9.5 Finfish Migratory Pathways;
- 7:7-9.36 Endangered or Threatened Wildlife or plant species habitats;
- 7:7-9.37 Critical wildlife habitat;
- 7:7-16.3 Water Quality;
- 7:7-16.8 Air Quality; and
- 7:7-16.6 Stormwater management.

In addition, NY Waterway has failed to demonstrate compliance with the following Coastal Zone Management Rules pertaining to public access and enjoyment of waterfront areas:

- 7:7-16.9 Public Access;
- 7:7-9.38 Open Space;
- 7:7-16.11 Buffers and compatibility of uses;
- 7:7-16.12 Traffic;
- 7:7-16.11 Buffers and compatibility of uses.

Attached is the letter FBW submitted to the NJDEP on May 2, 2018 contesting the NY Waterway waterfront development permit. Under 40 C.F.R. 1508.27(b)(10), projects that threaten violations of State environmental protection laws must be thoroughly evaluated through an Environmental Impact Statement.

**There Are Numerous Reasonable Alternatives That Would
Avoid the Impacts Detailed Above**

A ferry maintenance and support facility, in this location, is not in the overall public interest. A heavy industrial activity in this location conflicts sharply with the residential, recreational, educational, and public open space uses of the adjacent parcels. Experts have identified numerous parcels that are reasonable alternatives for this facility, with greater benefits and far lower environmental impacts. ACOE must prepare an Environmental Impact Statement that will "inform decision makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment." 40 C.F.R. 1502.1.

Attached is a NJ Transit study published in August 2009 entitled *Ferry Berthing and Maintenance Facility – Alternative Site Analysis*. The study identified five sites along New Jersey's Hudson River coastline that were deemed more suitable for a maintenance facility than the Union Dry Dock site.

The Hoboken Train/Ferry Terminal, owned by NJ Transit, was determined by far to be the optimal location. Two Weehawken locations — the Port Imperial Ferry Terminal and the Port Imperial Marina — were ranked two and three. Ranked fourth was the Greenville Pier in Jersey City and fifth was the Bayonne Peninsula, also known as the Military Ocean Terminal at Bayonne (MOTBY). Union Dry Dock came in sixth.

NJ Transit ranked each alternative by evaluating a number of criteria. According to the study, the use of the Hoboken Terminal for a ferry maintenance facility is "consistent with its transportation and maintenance functions." The Hoboken Terminal would not require a lengthy permitting process and detailed plans for the site have already been completed. Upon completion of the barge installation, berthing capacity would be for 18 vessels, far exceeding the other sites. While most of the other sites required costly dredging, no dredging would be required at the Hoboken Terminal. There would also be no land acquisition costs since the property is owned by NJ Transit.

The two Weehawken sites also have the advantage of no acquisition costs. The Port Imperial Ferry Terminal is owned by NJ Transit and Port Imperial South LLC. The Port Imperial

Marina is owned by Romulus Development Corp. whose President, Arthur Imperatore, Sr. is also the owner of NY Waterway. Although NY Waterway has contended that Hoboken's Union Dry Dock site is the only viable location for its maintenance facility, this study proves otherwise.

**ACOE Must Prepare an Environmental Impact Statement and Conduct a Public Hearing,
Due to the Substantial Environmental Controversy Generated By the Project**

The proposal has generated "substantial environmental controversy," due to the environmental impacts detailed above and the conflicts with the public enjoyment of the adjacent properties. Under 40 C.F.R. 1508.27(b)(4), when impacts on the human environment are likely to be highly controversial, those impacts must be closely examined through an Environmental Impact Statement. In addition, to provide sufficient opportunity for participation of the many interested members of the public, ACOE must conduct at least one public hearing in Hoboken. 40 C.F.R. 1506.6(c)(1).

Locating a refueling, storage and maintenance facility adjacent to recreational, residential and education uses has generated intense public interest and scrutiny of this proposal. People representing a variety of interests -- fishermen, kayakers, environmentalists, neighborhood residents, civic groups and public officials -- are eager to testify and provide details about the importance of the site area to their respective interests. Letters from some of these groups and individuals are also attached to this document.

If you need any further documentation of the information provided in this submission, please let me know and I will forward it to you.

Sincerely yours,



Ron Hine
Executive Director

cc:

Philip Murphy, Governor (via Fed Ex)

State of New Jersey Catherine McCabe, Commissioner, NJDEP (via email)

Ravinder Bhalla, Mayor, City of Hoboken (via email)

ATTACHMENTS:

- 1) *Biodiversity of the Hoboken Waterfront - A survey of species richness, urban impact & sustainability* (Noelle Thurlow, January 2018)
- 2) FBW's May 2, 2018 letter to NJDEP
- 3) *Ferry Berthing and Maintenance Facility – Alternative Site Analysis* (NJ Transit, August 2009)
- 4) Letters from Bike Hoboken, Quality of Life Coalition, Aaron Lewit, Carrow Thibault, Monica Pollock, etc.