



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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OCT 05 2005

Paul Sabalis  
Project Manager  
U.S. Army Corps of Engineers, New York District  
26 Federal Plaza  
New York, NY 10278

Class: LO

Dear Mr. Sabalis:

The Environmental Protection Agency (EPA) has reviewed the draft integrated feasibility report and environmental impact statement (DEIS) for the Hudson-Raritan Estuary, Liberty State Park Ecosystem Restoration in Jersey City, New Jersey (CEQ#20050378). This review was conducted in accordance with Section 309 of the Clean Air Act, as amended (42 U.S.C 7609, PL 91-604 12 (a), 84 Stat. 1709), the National Environmental Policy Act (NEPA) and the Council on Environmental Quality's regulations for implementing NEPA (40 CFR Parts 1500-1508).

The plan calls for the restoration of a relatively inaccessible 234 acre section of Liberty State Park, which is mostly undeveloped semi-degraded parkland within a fenced-off portion of the Liberty State Park's 598 terrestrial acres. This portion of the park is a former rail yard and dredged material disposal area, and has remained undeveloped and unused due to the presence of contaminants that exceed the New Jersey Department of Environmental Protection Non-Residential direct contact soil cleanup criteria. The preferred plan, which will create approximately 40 acres of salt marsh, and create or enhance 28 acres of freshwater wetlands will sequester any excavated contaminated soils within an upland berm to be created on site. Additionally, the plan calls for the creation of approximately 55 acres of "warm weather grasslands" and the enhancement of approximately 100 acres of "successional northern hardwoods and maritime shrub assemblages."

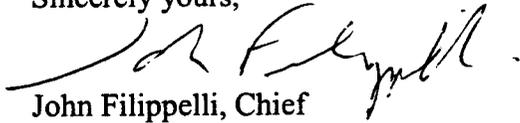
The proposed restoration plan appears to be sound and generally well-developed. The document states on page 117 that the success criteria for the mitigation plan will be quantified and finalized after the NEPA process and incorporated into the final Pre-Construction Engineering Design phase. In the further refinement of the mitigation plan, we suggest that the Corps include in its plans all the pertinent elements of a comprehensive mitigation plan described in the Corps New York District Regulatory Branch public notice dated January 2005 and found at <http://www.nan.usace.army.mil/business/buslinks/regulat/pnotices/mitfinal.pdf>. These mitigation guidelines are part of the Federal interagency national mitigation action plan begun in 2002 and instituted to help improve wetland mitigation success.

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Based on our review, we do not anticipate that implementation of the preferred alternative will result in significant adverse impacts to the environment. Accordingly, EPA has no objections to its implementation.

Sincerely yours,

A handwritten signature in black ink, appearing to read "John Filippelli". The signature is written in a cursive style with a large initial "J" and "F".

John Filippelli, Chief  
Strategic Planning and Multi-Media Programs Branch