

U.S. Coast Guard
First Coast Guard District Bridge Program

Bayonne Bridge Navigational Clearance Program

Responses to Scoping Comments

NEPA Workplan

February 2012

The attached are responses to Scoping comments received in November/December 2011 regarding the Port Authority of New York and New Jersey's proposal to raise the Bayonne Bridge. The Coast Guard as the lead federal agency under the National Environmental Policy Act is continuing to prepare the appropriate environmental documentation which when completed will be made available for public review and comment. Public meetings in the project vicinity will also be conducted.

NEPA Workplan Comments Summary

The Port Authority of New York and New Jersey (PANYNJ) proposes to rehabilitate the Bayonne Bridge over the Kill Van Kull to increase its vertical clearance, improve substandard features, and ensure its seismic stability. The purpose of the project is to ensure the long-term vitality of the Port of New York and New Jersey and to meet modern highway and structural design standards. PANYNJ would seek a Section 9 permit (or permit modification) pursuant to the Rivers and Harbors Act of 1899 from the United States Coast Guard (USCG) for work over the Kill Van Kull, a navigable waterway under federal jurisdiction. Therefore, with USCG as the lead agency, PANYNJ will prepare environmental documentation pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.; NEPA).

The Bayonne Bridge spans the Kill Van Kull between Staten Island, New York and Bayonne, New Jersey. The Bridge provides a vehicular connection between Staten Island and the Bayonne Peninsula. It also spans the primary shipping channel between the cargo ports at Newark and Howland Hook and the New York Harbor.

As the federal lead agency, the U.S. Coast Guard invited the public and interested agencies to supply written comments by December 9, 2011. Public Notice 1-108 Request for Scoping Comments was published and letters were sent to agencies requesting their attendance at an agency coordination meeting for the Bayonne Bridge Navigational Clearance Program.

The following document presents a summary of the comments received by the project team and the associated responses. The commenter's name is in brackets.

A. ORGANIZATIONS AND INDIVIDUALS WHO COMMENTED ON THE NEPA WORKPLAN

1. Victoria M. Gillen, President, Elm Park Civic Association, letter dated 19 November 2011
2. Beryl Thurman, Executive Director/President, North Shore Waterfront Conservancy of Staten Island, Inc., letter dated 8 December 2011
3. Richard L. Tomer, Chief, Regulatory Branch, Department of the Army, New York District, Corps of Engineers, letter dated 8 December 2011
4. Deborah A. Mans, Baykeeper & Executive Director, NY/NJ Baykeeper, letter dated 9 December 2011
5. John Formosa, Major Project Management, Federal Highway Administration, New York Division, letter dated 22 November 2011
6. Stephen D. Marks, Planning Director, County of Hudson Department of Parks & Community Services, fax and email dated 9 December 2011
7. Jean Public, fax dated 25 November 2011
8. Debi Rose, Councilwoman, 29th District, Staten Island, fax dated 8 December 2011

Bayonne Bridge Navigational Clearance Program

9. Edward Blyskal, letter dated 3 December 2011
10. Catherine Barron, letter dated 5 December 2011
11. David Wood, Field Project Manager, Tennessee Gas Pipeline, letter dated 28 November 2011
12. Beryl Thurman, Executive Director/President, North Shore Waterfront Conservancy of Staten Island, Inc., letter dated 4 November 2011
13. Joseph A. D'Amico, Superintendent, New York State Police, letter dated 26 October 2011
14. Michael G. Grimm, Congress 13th District, New York, letter dated 1 December 2011
15. Grace Musumeci, Chief, Environmental Review Section, U.S. Environmental Protection Agency
16. Daniel Saunders, Deputy State Environmental Historic Preservation Officer, New Jersey, letter dated 2 November 2011
17. Carol Van Guilder, letter dated 5 December 2011
18. Joseph C. Curto, President, New York Shipping Association, letter dated 9 December 2011
19. H. Nepo, letter dated 1 December 2011
20. Anonymous, letter dated 6 December 2011
21. Helen Manogue, President, Hudson River Waterfront Conservancy of N.J., letter dated 8 December 2011
22. William J. Schulte, Esq., Eastern Environmental Law Center, letter dated 8 December 2011
23. Beth A. Cumming, Historic Site Restoration Coordinator, New York State Office of Parks, Recreation and Historic Preservation, letter dated 1 November 2011
24. Vincent Harzewski, letter dated 28 November 2011
25. Karen Greene, Fishery Biologist, National Marine Fisheries Service, email dated 18 November 2011
26. Jamie Reppert, Coastal Resource Specialist, New York State Department of State, email dated 2 December 2011
27. John. J. Hogan, Chairman, Middlesex County Transportation Coordinating Committee, County of Middlesex, letter dated 29 November 2011
28. Gerald R. Savo, letter dated 17 November 2011

B. GENERAL COMMENTS

Comment 1: Furthermore, we question the nature of any inquiry based on analysis which assesses conditions after that assessment has been pre-determined (i.e. “no effect”), as well as the apparent reliance on data sources that are more than a decade old. An updated source is required. (Musumeci and Gillen)

Response: The environmental analysis and assessment of impacts has not occurred. The NEPA Workplan only documents issues that will be studied in the upcoming

environmental assessment and discusses data sources, methods and study areas. Where appropriate, they are revised or supplemented based on comments received. With respect to the earlier studies referenced in the NEPA Workplan they provide project background and historical information that is part of the project's purpose and need and how the current proposal has come to be. This is part of all NEPA assessments.

Comment 2: While the Workplan does not foresee permanent property acquisition, it is not clear whether or not there will be a need for any temporary acquisition or easements and where these would be. (Van Guilder)

Response: The need for any easements and/or property acquisition, permanent or temporary, will be clearly defined in the EA.

Comment 3: This project is both necessary and critical to ensure the ports' continued growth and in order to maintain its position as a global hub of trade and commerce. Since 2006 public agencies and the private sector in our region have invested substantially in state of the art facilities, deeper channels and multimodal access to North America. This project will enhance those investments even further by ensuring the port's competitive position in the worldwide market and allowing for future business growth. We wholeheartedly support this project and urge the Coast Guard to perform its review in the timeliest of manners in order to allow for a seamless and enhanced process. (Curto)

Response: Comment Noted

Comment 4: Based on information presented to the Federal government by the PANYNJ, EPA believes that access by future Panamax ships to the Port Elizabeth/Port Newark Complex and Howland Hook Marine Terminal requires not only the increase in air draft of the Bayonne Bridge, but also the deepening of the Kill Van Kull channel. NEPA regulations indicate a connected action is closely related to the project action and should be discussed in the same NEPA document. As identified in the NEPA Workplan for the Bayonne Bridge project, future Panamax vessels have a draft of 50 feet. However, the Kill Van Kull is only authorized to 50 feet. Therefore, even with an increased Bridge vertical clearance, the future Panamax ships would still be prevented from loading fully when calling on the Port Newark I Port Elizabeth Complex or Howland Hook. Yet, in its 2009 Bayonne Bridge Air Draft Analysis (BBADA), the U.S. Army Corps of Engineers (USACE) indicated that the loading of the larger ships as fully as possible is what makes the Bayonne Bridge Navigation Clearance project in the national interest in terms of National Economic Development. This establishes that it is the combination of increased Bridge clearance and channel deepening that will maximize the loading of ships; accordingly, these two are connected actions and should be analyzed in one NEPA document. (Musumeci)

Response: Vessel simulations conducted in support of the Bayonne Bridge Air Draft Analysis found that Panamax vessels will be able to traverse the Bayonne Bridge once the navigational clearance restriction has been eliminated. The subsequent announcement by AP Moeller Maersk regarding their new Triple-E generation of 18,000 TEU container ships has shown that the next generation of container vessels has a design draft of 47.57 feet. When the fact that operational draft is normally less than design draft, the Triple E class could come into the port with a raised Bayonne Bridge and a 50 foot channel without waiting for high tide.

While the proposed project and any future deepening of the Kill Van Kull may have common benefits, they are not connected projects with respect to NEPA. According to CEQ regulations, agencies are only required, for environmental review purposes, to consider “connected actions” which are defined as actions that “(i) automatically trigger other actions; (ii) cannot or will not proceed unless other actions are taken previously or simultaneously; (iii) are interdependent parts of a larger action and depend on the larger action for their justification. They are not interrelated segments of the same action, nor are they dependent actions or phases of the same project. The proposed Bayonne Bridge project has independent utility that would provide a positive benefit-cost ratio exclusive of any harbor deepening beyond the federally authorized 50-foot channel. Moreover, the Port Authority has confirmed that they have no plans to deepen the Kill Van Kull and Newark Bay beyond the authorized 50 feet.

Comment 5: As now published on the USACE website, the BBADA is incomplete. Appendix D, Summary of Vessel Simulations, was not available at the time of publication of the Analysis, and has not been added to the document since that time. This information needs to be made available to the public before the NEPA process is completed for the Project. The re-release should also identify whether any peer reviews of the document have been performed. (Musumeci)

Response: The Bayonne Bridge Air Draft Analysis will be released in its entirety, including Appendix D, Vessel Simulations which was not included in the initial release. A peer review of the BBADA is not required as the study was not funded by the federal government.

Comment 6: I would like to express the support of the Middlesex County Transportation Coordinating Committee (TCC) on the proposal by the PANYNJ to increase the navigational clearance beneath the Bayonne Bridge across Kill Van Kull between Staten Island, New York and Bayonne, New Jersey. This improvement will serve to make our regional ports more attractive and competitive among others in the eastern part of the country, and help promote economic revitalization throughout our region. The Middlesex County TCC urges the United States Coast Guard, as the federal lead agency for this project, to seek to

advance this project as expeditiously as possible in the environmental review process and subsequent phases towards implementation. (Hogan)

Response: Comment Noted.

Comment 7: The County Executive and Board of Chosen Freeholders, as the governing body of Hudson County, New Jersey fully support the rehabilitation of the Bayonne Bridge to keep the port of New York and New Jersey optimally functional and competitive in a world economy. The County Executive and Board of Chosen Freeholders recognize that foreign trade and port commerce are integral to the local, regional, metropolitan and even national economy, support thousands of local jobs, hundreds of local businesses, and pay millions of dollars in taxes to the federal, state, county and municipal governments. (Marks)

Response: Comment Noted

Comment 8: The recommendation for study of residential impact is pegged at one-quarter of a mile from the Bridge. Clearly, a bridge construction project lasting three years in close proximity to existing residences and businesses must directly and severely impact those working and living in the shadow of the Bayonne Bridge. That shadow extends well beyond one quarter of a mile. Further, to try and separate air and water quality concerns with vague parameters can only result in long term injury to these fragile and environmentally damaged neighborhoods. (Rose)

Response: The analysis focuses on the residential populations closest to the bridge to determine the likely effects of the project and what measures will be necessary to avoid significant adverse impacts, particularly during construction. Effects upon residential populations further from the bridge would be less than those closest to the construction zone. Therefore, potential impacts on the most affected communities are used to conservatively estimate potential adverse environmental impacts and measures that would be used to avoid, minimize or mitigate these effects.

Comment 9: Given the Project's currently proposed lengthy construction period, the potential for the Project to directly result in a vast increase in the amount of cargo handled at the Port, the number of environmental justice communities that will be impacted by the construction, and the potential for the Project to impact regional energy consumption, pollutant emissions and greenhouse gases, the Project constitutes a major Federal action significantly affecting the quality of the human environment within the meaning of the NEPA. 42 U.S.C. §§ 4321 - 4347. Therefore, a full Environmental Impact Statement (EIS) should be prepared in accordance with Section 102 of NEPA. 42 U.S.C. § 4332(2)(C) with full public participation. An Environmental Assessment (EA) will not adequately address the myriad impacts on the environment and human health associated with a project of this magnitude. (Schulte and Rose)

Response: The purpose of the project is not to “vastly increase the amount of cargo handled at the port” but rather to more efficiently move the estimated amount of cargo that would be handled at the port with or without the proposed project. The environmental assessment will examine the effects of the project on all communities and will assess the effect of the proposed action on regional energy consumption, pollutant emissions, and the production of greenhouse gases. The EA will examine the same potential environmental effects as an EIS would. If significant impacts are expected to occur with the proposed action, an EIS will be prepared.

Comment 10: Any kind of construction will ultimately cause the displacement of pest and rodents. The community will need to see a plan of action for what the immediate measures will be to control this situation, so that once again residents are not paying out of pocket cost for exterminators. Possible solutions would be to provide vouchers to residents for exterminators, provide additional money to the City of New York to take care of extermination. (Thurman)

Response: Construction contracts would include provisions for a rodent (mouse and rat) control program. Prior to the start of construction, the contractor would engage the services of a professional abater who would survey and bait the appropriate areas and provide for proper site sanitation. During the construction phase, as necessary, the contractor would carry out a maintenance program. Coordination would be maintained with appropriate public agencies. Only EPA- and NYSDEC-registered rodenticides would be permitted, and the contractor would be required to perform rodent control programs in a manner that avoids hazards to persons, domestic animals, and non-target wildlife.

PURPOSE AND NEED

Comment 11: Building the new Bayonne Bridge with only 215 feet of clearance places an unnecessary limitation on the port. 215 feet may meet the current Panamax height limitations, but the port should be available to as much of the world's shipping as possible. Ships already exist which exceed the future Panamax limitations, but many of them could clear the Verrazano Narrows Bridge. There is also the possibility that the Panamax height limitation could be increased if the new larger ships require it. The current Panamax height limitation is the Bridge of the Americas across the Panama Canal. It is the older of two bridges which cross the canal. This bridge could easily be modified or replaced. The newer of the two bridges, a cable-stayed design, has a clearance much higher than that of the Verrazano Narrows Bridge. (Nepo)

Response: The height restriction of the Verrazano Narrows Bridge is 219 feet above MHW and effectively places an upper limit on what could be achieved at the Port of NY & NJ. The proposed clearance was chosen, in larger part, because it could accommodate Panamax vessels while allowing for minimal property impacts and roadway grades that meet current design standards.

Comment 12: The Bayonne Bridge is an under-utilized historic bridge in good condition, on its own in no need of major alteration. The alternatives provided in the Workplan do not appear to fully cover all options to address access to the New York/New Jersey Harbor. The alternatives do not include retrofitting the new larger vessels to transit under the Bayonne Bridge. In further consideration of the project, please add an analysis of retrofitted vessels. If retrofitted vessels are added to the project's consideration they most likely would: be less expensive than a bridge retrofit; and would not entail a Coast Guard Bridge Permit. Moreover, should there be no federal funding, the project would not entail a NEPA process. In order to minimize cost to whatever entity funds the project, timing of the work could be considered in conjunction with regular vessel maintenance. Additionally, should retrofitting prove viable, this would leave more funds available for other regional infrastructure projects in need. (Anonymous)

Response: Retrofitting the international container fleet is not a feasible alternative to the project. Without the proposed raising it is expected that the international shipping community would resort to smaller, less efficient vessels that currently utilize the port. The ACOE's analysis demonstrates there is a clear net benefit to cost to be realized by the proposed action.

Comment 13: Page 1-5 of the NEPA Workplan states that the deepening and widening of the Panama Canal will allow for ships of up to 255 keel to mast height (KTMH) and approximately 12,000 twenty foot equivalent units (TEUs) to use the Canal; "however, vessels of this size would not be able to traverse the Bayonne Bridge." Will vessels of this size, fully loaded be able to traverse the existing Kill Van Kull if the bridge was not an impediment? (Musumeci)

Response: Yes, vessels of this size, fully loaded would be able to traverse the existing Kill Van Kull if the Bayonne Bridge were not an impediment.

Comment 14: There is a problem definition, but there is not a purpose and need statement. Identifying a clear project purpose is critical to the success of this project and should consider the dual challenge of maritime and highway/bridge needs. (Formosa)

Response: The project's purpose and need is stated clearly in the second sentence of the NEPA Workplan and is intended to ensure the long-term vitality of the Port of New York and New Jersey by removing the vertical clearance limitation posed by the current bridge.

Comment 15: Under Goals and Objectives, one goal is specified to minimize adverse impacts on the built and natural environment; however it is unclear with the selection of a "recommended alternative" prior to environmental studies that the goal was addressed. (Formosa)

Response: As discussed in Chapter 2 of the Workplan, several alternatives were examined with respect to their ability to meet the project goals and objectives. It is not always necessary to prepare detailed environmental studies to distinguish between the potential environmental effects of different alternatives. For example, the development of new port facilities east of the Bayonne Bridge would clearly result in both short- and long-term adverse environmental effects that would far exceed those of the current proposal. Furthermore, if the proposed alternatives do not meet the project goals and objectives nor are they feasible for any reason, there is no need to carry them further into the environmental review. For example, it is clear that a new bridge would require extensive property acquisition either to the east or west of the current bridge in addition to costing several hundred million more than proposed project. Detailed environmental analysis is not required to determine that a new bridge is not a reasonable option in this location.

Comment 16: The Work Plan specifically states that the goals and objectives will be used to identify and evaluate alternatives the project and select the preferred option to move forward. Looking at Chapter 2, it appears as if that was not done. (Formosa)

Response: The elimination of the Jack Bridge, Lift Bridge, New Bridge, Tunnel, New Cargo Terminal and Ferry Service alternatives was in fact based on the Project Goals and Objectives in addition to their engineering feasibility and cost. The EA will specify which goals each discarded alternative failed to meet.

C. PROJECT ALTERNATIVES

Comment 17: Would it be possible to construct one or two locks directly under the Bayonne Bridge? You could lower the passing ships a sufficient amount just like the Panama Canal. The Panama Canal can handle a ship approximately 1,000 feet long x 110 feet wide. You wouldn't have to disturb bridge or traffic. (Harzewski)

Response: A lock system was examined and found to be not feasible for constructability issues as the channel depth would need to be over 100 feet and the locks would not be gravity fed, leading to extensive and expensive engineering.

Comment 18: EPA recommends the use of low energy lighting, and using native plants for landscaping of the projects. (Musumeci).

Response: Comment noted. These recommendations will be considered in the environmental assessment and included in the project design specification if feasible.

Comment 19: The NEPA document must present the alternatives and discuss their environmental impacts, as part of the process to choose a preferred alternative. The decision to recommend an alternative and discard alternatives is very

premature, given the lack of studies done, lack of inventory of issues, etc. (Musumeci and Formosa)

Response: NEPA requires the examination of reasonable alternatives that the project sponsor may in fact consider implementing. As discussed in the NEPA Workplan all of the alternatives considered to date, with the exception of the proposed action, have been discarded for a number of environmental, engineering, and financial issues. No additional reasonable alternatives have been identified through the comment period on the Workplan and therefore the EA will only consider potential effects of the Raise the Roadway Alternative.

Comment 20: Page 1-4 of the NEPA Workplan states that the expansion options for the port facilities east of the Bayonne Bridge were thoroughly evaluated and it was decided that Port Jersey and Red Hook could not handle the Port's commerce. At first glance, EPA would agree with that statement, but we do not know if the basis for this information includes the 2010 acquisition of the Global Terminal by the PANYNJ, the proposed fill of the wetlands on the Port Jersey peninsula, and the expansion of container operations there. This information should be provided as part of the purpose and need and alternatives sections of the Bayonne Bridge Navigation Clearance Project. The likelihood of the future Panamax vessels calling only at Port Jersey is briefly discussed on page 2-4 of the Workplan, but needs more details on the PANYNJ's plans for the Port Jersey peninsula and Greenville yards. (Musumeci)

Response: The analysis of the discarded alternative for new container facilities east of the Bayonne Bridge did take the acquisition of the Global Terminal, the proposed fill of the wetlands on the Port Jersey peninsula and the expansion of the container operations to the former NEAT facility into account and will be provided as part of the EA supporting documentation.

Comment 21: The Work Plan states that the right of way of the bridge and its approaches will not be substantially altered. However, given that the bridge will be raised, the approaches will be substantially altered and it remains unclear whether or not additional right-of-way will be necessary. (Formosa)

Response: While the current design does include a grade change, most of the project disturbance is within the PANYNJ's right-of-way. Only a small portion of roadways outside their ROW would be reconstructed to allow a transition in vertical grade. No permanent property acquisition would be required for the approach roadways.

Comment 22: Hazardous conditions will be produced upon the vehicles crossing the bridge at such high levels. Slippery conditions will be increased due to black ice formation on the roadway. The U.S. Government is encouraging auto manufacturers to increase mileage of vehicles to reduce gas consumption inferring that many vehicles will be much lighter in weight, being more

uncontrollable at the higher levels at mid-span. Greater wind pressures will cause safety hazards on larger vehicles. (Blyskal)

Response: The change in height would not result in any meaningful difference in temperature or wind speed due to the higher elevation.

Comment 23: Increasing the clearance of the roadway at the Bayonne Bridge would cause abnormal stresses on the arch as well as on the roadway. Should undulations occur due to high winds, the Port Authority cannot stabilize this road by adding a second roadway to this structure as they did for the George Washington and Verrazano Narrow Bridges. (Blyskal)

Response: As part of the Port Authority's design effort, a wind tunnel analysis will be done to validate the aerodynamic stability of the structure.

Comment 24: I am not in favor of American or NJ taxpayers paying for raising the bridge. If you can get shippers to pay the entire cost, then we should do it because it is only for their benefit. Nobody else needs the bridge raised. (Public)

Response: Comment noted. As discussed in response to Comment 3, the proposed project would result in a positive net national economic benefit due to savings in transportation costs for goods consumed in the region.

Comment 25: Page 1-6 (Seismic Design Standards) notes the existing bridge piers are vulnerable. This is not addressed in the recommended alternative. Further, addressing this issue belies the contention that the alternative "would avoid major construction in the Kill Van Kull" – those piers abut the shoreline. (Gillen)

Response: Seismic retrofitting of the main bridge piers can be accomplished from the land side of these structures and will not require work in the Kill Van Kull.

Comment 26: The addition of a pedestrian walkway and bicycle path could offer open space experiences to nearby residents as well as visitors to the area. Perhaps, in the near future, the bridge walkway will connect to the Hudson River Walkway which begins just under the Bridge and provides access to the ferries, the businesses and bus and rail connections all up and down the Hudson River Waterfront. (Manogue)

Response: The proposed project includes a 12-foot Shared Use Path on the east side of the bridge that can be joined with Hudson River Waterfront Walkway. The path will include access ramps to replace the existing stairways.

Comment 27: The PANYNJ fails to include any planning for mass transit over the crossing. Throughout many of the PANYNJ presentations made to the public, PANYNJ officials have discussed the implementation of mass transit options as part of the raising of the crossing, specifically the connection of the Hudson-Bergen Light

Rail across the bridge into Staten Island or the addition of bus rapid transit (BRT). (Grimm and Rose)

Response: The proposed project is intended not to preclude the addition of transit in the future. Currently, there are no foreseeable plans by NJ Transit to extend the HBLRT to Staten Island. If, and when, there is a proposal for that service expansion to occur, it would undergo a separate transportation alternatives analysis and environmental review most likely with FTA as the lead federal agencies and NJ Transit and MTA as possible co-sponsors. At that time, the PANYNJ would work with these transit agencies in examining options that could utilize a re-constructed Bayonne Bridge.

D. PROCESS, AGENCY COORDINATION, AND PUBLIC PARTICIPATION

Comment 28: The NEPA Workplan should address how the USCG plans to provide for public participation in the preparation of the environmental documentation for the Project. (Schulte and Gillen)

Response: The environmental review process will include a public outreach effort in accordance with the requirements set forth by the National Environmental Policy Act (NEPA). Additionally, the environmental assessment will detail the PANYNJ plan to engage the community throughout construction of the proposed program.

E. LAND USE AND SOCIAL CONDITIONS

Comment 29: Will the construction activities make the neighborhood so unpleasant that tenants will consider moving and thus incur moving expenses? Will construction impacts make it more difficult for landlords to rent out houses and apartments, causing them to suffer monetary losses? How will the property value of nearby properties be affected by three years of construction? What will be the impact on home sales? How will local businesses, esp. those on Morningstar Road be impacted? Will lack of access, lack of parking or noise lead to loss of business? Consider balancing economics with ecological/environmental and social considerations. (Gillen and Van Guilder)

Response: The EA will assess the potential adverse environmental effects of the project's construction on the adjacent residential communities and make recommendations for measures that would be incorporated into the project's construction documents to avoid, minimize or mitigate potential adverse impacts. The analysis will include effects on traffic, noise, vibration, air quality, access, local businesses, community disruption, visual resources, safety and security as well as overall neighborhood character.

Comment 30: The redirection of traffic patterns or sidewalk and street blockings may cause problems with pedestrian foot traffic especially for nearby schools, such as Port

Richmond High School. Where students that live in walking distance would be going near the proposed construction to get to and from school. Residents will want more information on how this situation will be handled. (Thurman)

Response: The EA will include an analysis of the potential effects of the project construction on pedestrian flow and safety.

Comment 31: Given the increase in the maritime/freight movement it does not seem accurate to state the "proposed project is not expected to result in any long-term changes in land use or traffic patterns". (Formosa)

Response: The proposed project is not anticipated to result in any substantial increase in freight movement. It is intended to allow shippers to use larger, more efficient ships to transport container freight already destined to the port with or without the proposed action. However, the possibility that shippers may divert cargo to the facilities at Port Newark/Port Elizabeth/Howland Hook from other east coast or west coast ports will be examined in the EA. If the estimated diversion amounts result in a substantial increase in cargo handled at these facilities over the No Action Alternative the environmental effects of this additional freight will be assessed.

F. NATURAL RESOURCES

Comment 32: The EA Document should discuss storm water management facilities and the location of those facilities. (Musumeci).

Response: Currently, stormwater from the bridge is not treated. The proposed project will include the development and implementation of a system that meets both state and local stormwater management requirements.

Comment 33: There are hawks that live on the structural beams of the Bayonne Bridge and nest there. We will need to see what plan of action will be instituted to protect them and their nest during the length of this proposed project. (Thurman)

Response: The EA will include an analysis of all wildlife within the study area, including any resident species on the bridge.

Comment 34: The NEPA document should assess any impacts to shellfish, including oysters. Baykeeper staff has begun documenting the native oyster population in the Harbor and assessment of nearby waterways has shown oyster colonies existing and thriving. (Mans)

Response: The EA will document any effects on aquatic resources from construction of the project.

Comment 35: As there will be some lighting changes, EPA recommends that the applicant discuss bird night patterns in the area to determine the lowest impact lighting for migratory or other birds. (Musumeci)

- Response:** The EA will include an assessment and lighting effects on avian resources.
- Comment 36:** The Scoping Plan does not make mention of the bird sanctuary on Shooters Island or any other parkland and marine and wildlife under the control of local and state authorities. Thus, areas of sensitive ecological composition could be destabilized because they were left out of your consideration. (Rose)
- Response:** Sensitive ecological areas that may be affected by the proposed project, whether during long-term operation or construction of the project, will be assessed in the EA.
- Comment 37:** There is an active nesting box for the New York State endangered Peregrine Falcon next to the Bayonne Bridge. The box is placed on an especially built tower for the Peregrine. Please include an evaluation of what the impact of bridge construction will have on the nesting pair and potential relocation. (Barron)
- Response:** See response to Comment 33 above.
- Comment 38:** The location and nature of work planned in waterways and wetlands for bridge and roadway construction, demolition/removal activities, construction equipment staging, storage, support, and mobilization areas, and/or excess fill disposal and stockpile areas should be described in the NEPA documentation. In addition, all permits and approvals for this work should be identified; especially any permit requirements under Section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act, and Section 103 of the Marine Protection, Research and Sanctuaries Act. (Jensen)
- Response:** The EA will document any planned work in waters of the United States, their potential effects and the need for any permits from the ACOE will be described.
- Comment 39:** As an organization dedicated to clean water, we recognize and appreciate that the recommended alternative would avoid major construction in the Kill van Kull. However, we urge the USCG to work with the local communities near the bridge to address their concerns related to the land-side impacts. (Mans)
- Response:** Comment Noted. One of the major benefits of the proposed action is the avoidance of major construction work within the Kill Van Kull. However, none of the alternatives examined by the sponsor would completely avoid work in the adjacent upland communities and the PANYNJ, in recognition of the communities concerns is developing an outreach program that will work with the local residents in developing effective measures to avoid and/or minimize the adverse effects of construction.
- Comment 40:** The NEPA document should discuss whether the applicant is planning on deepening the Kill Van Kull or Newark Bay Channels in the near future. (Musumeci).

Response: The PANYNJ does not intend to deepen the KVK or Newark Bay Channels in the foreseeable future.

Comment 41: The NEPA documentation should demonstrate that there are no practicable alternatives to the proposed discharge of material into waters of the U.S., including wetlands, for the proposed bridge approaches, improvements to roadway ramps, and/or other activities associated with the construction of the project. (Jensen)

Response: The EA will document any proposed discharge of fill material into the water of the U.S. and if required, will demonstrate that there are no practicable alternatives.

Comment 42: The NEPA documentation should demonstrate that the proposed discharges of fill material into waters and wetlands has been minimized to the maximum extent practicable, including temporary fills and/or disturbance due to construction related activities, such as equipment staging, storage, support, and mobilization areas. (Jensen)

Response: See response to Comment 41.

Comment 43: Any existing structures or fill material that will be replaced, but will not be removed from waterways or wetlands should be identified in the NEPA documentation and the impacts of leaving them in place should be addressed. (Jensen)

Response: Comment Noted.

Comment 44: The analysis should include the environmental impacts relevant to potential vessel effluent discharge into affected waterbodies, which also includes Newark Bay and Upper New York Bay. (Savo)

Response: Similar to today, vessels would be required to follow any applicable rules and regulations regarding the discharge of effluence into waterbodies.

G. HISTORIC AND CULTURAL RESOURCES

Comment 45: It is noted that the Bayonne Bridge is eligible for listing in the National Register; however it does not clarify which attributes make it eligible. (Formosa)

Response: The EA and documentation required under Section 106 of the National Historic Preservation Act will provide this information as well as for any other resource in the project's Area of Potential Effect (APE).

Comment 46: The USCG, PANYNJ, NYC Housing Preservation and Development (HPD), and New York State Historic Preservation Office (NYSHPO), should develop a list of consulting and interested parties that may wish to participate in the

consultation process. These parties may have knowledge of or concerns with historic properties in the area and may be able to identify issues relating to potential effects on historic properties. As always, the documentation of public participation in the evaluation of historical resources and project effects will substantially enhance the quality, timeliness, and public value of the Section 106 process. (Saunders)

Response: The list of Section 106 consulting parties will be developed and provided to the SHPOs for their review and concurrence.

Comment 47: The outreach for the project should include the Lenape and any other native nation that has connections to the North Shore of Staten Island and/or Bayonne, NJ. (Van Guilder)

Response: Invitations to participate in the Section 106 Consultation Process will be provided to the Lenape and other appropriate Native American Tribal HPOs.

Comment 48: We request additional information with regard to the proposed impact to the historic Bayonne Bridge. In order for us to assist in making an Effect determination for this project, we request the historic bridge plans and existing bridge plans. We would like to understand the existing conditions of the bridge and extant historic fabric so that we may better understand the effect the proposed work may have on original historic fabric. (Cumming)

Response: Additional information will be provided to both New York and New Jersey HPOs as part of the Section 106 process. The EA will document this process and determination of effects on all historic resources within the project's APE.

Comment 49: We request historic approach ramp plans and existing bridge plans. We'd like to understand the existing conditions of the ramps as compared to the historic to help us evaluate the integrity and significance of the approach ramps. (Cumming)

Response: These will be provided by the PANYNJ.

Comment 50: The analysis should include the historic impacts to the bridge structure itself. (Savo)

Response: The EA will identify and evaluate potential impacts to all historic structures within the project's APE, including the existing Bayonne Bridge, in accordance with Section 106 of the National Historic Preservation Act.

H. PARKLANDS AND RECREATIONAL RESOURCES

Comment 51: There are also park areas on the Staten Island side, facing Innis Street and Morningstar Road, as identified on the damage maps drawn when the bridge was opened. Furthermore, proximity of Faber Park and Pool must be considered. (Gillen)

Response: The analysis in the EA will identify mapped parkland as well as public recreational areas currently on Port Authority property in the vicinity of the project site and assess any potential impacts to these areas from future operation of the Bayonne Bridge. While the Innis Street and Morningstar Road parks are not identified, the Faber Park and Pool is included in the EA.

Comment 52: The Hudson County Master Plan (2002), the Hudson County Open Space, Recreation and Historic Preservation Plan (2005), the Hudson River Waterfront Walkway Implementation Plan (2005), the Hudson County Land Development Regulations (2008) and others documents all envision a continuous waterfront walkway trail system from the George Washington Bridge south to the Bayonne Bridge and continuing further west and north along the Kill Van Kull and Newark Bay to the Hackensack River. (Marks)

Response: A shared-use path for bicyclists and pedestrians will be provided on the reconstructed bridge.

Comment 53: Hudson County's residents and communities suffer from a dearth of park, recreation and open space opportunities. According to both the N.J. Statewide Comprehensive Outdoor Recreation Plan (SCORP) and the NJDEP approved Hudson County Open Space Recreation and Historic Preservation Plan, Hudson County has the least amount of parks and open space among all twenty one counties in the State of New Jersey. (Marks)

Response: Comment Noted.

Comment 54: Parts of the Dennis Collins Park were purchased with funds from the New Jersey Green Acres Program. The NEPA document must indicate if the proposed ramps on the Bayonne side of the Bayonne Bridge will impact these portions of the park, and if so determine any necessary mitigation. (Musumeci)

Response: Any effects on Collins Park, either temporary or permanent, will be documented in the EA. If required, measures to avoid, minimize or mitigate any adverse effects will be discussed.

I. TRANSPORTATION

Comment 55: The future Panamax vessels have a draft of 50 feet and beam of 160 feet. The direct, indirect and cumulative impacts of these vessels in the Kill Van Kull and Newark Bay should be analyzed. This would include, but not be limited to, hydrodynamic changes, erosion of the land and wetlands, and sedimentation changes. Assistance vessels, such as tugs, should be included in modeling these impacts. (Musumeci and Savo)

Response: The EA will consider the effects of larger vessels on the resources within and adjacent to the KVK.

- Comment 56:** For more complete comparison between the Post-Panamax and Panamax vessels, the air draft should be included in future figures of this nature. The NEPA document should provide a better understanding of the extent to which the larger vessels will actually be coming into the NY/NJ Harbor. The BBADA study examined the worldwide fleet and concluded that the bridge restricts access to the Howland Hook Marine Terminal and Port Elizabeth-Elizabeth Marine Terminal for 62 percent of the world's TEU capacity, but the analysis stops there. Specifics on predicted actual use of the Port by the larger vessels should be provided. (Mans)
- Response:** The EA will include an estimate of the number and size of vessels calling on the Howland Hook and Port Newark-Port Elizabeth Marine Terminals with and without the project.
- Comment 57:** We question the validity of any contention that this will have no long term impact on traffic. We have seen a significant increase in truck traffic along Richmond Terrace following the opening of the Howland Hook Terminal, notwithstanding the rail line. Our roads are unable to handle this traffic; any increase will require re-engineering, and re-mapping of streets, throughout the North Shore of Staten Island. (Gillen)
- Response:** The proposed project is not intended to increase the amount of cargo destined to the Howland Hook Marine Terminal. Rather, the project is intended to allow fewer, larger ships to provide for the transport of goods to the existing terminals west of the Bayonne Bridge. Any increase in cargo, due to diversions from other east or west coast ports will be assessed in the EA.
- Comment 58:** The pedestrian and bicycle entrances to the bridge should be clearly marked and easily and safely accessible from either side. Safety features should be included so that a pedestrian or cyclist in distress can contact help. (Van Guilder)
- Response:** Comment noted.
- Comment 59:** The NEPA documentation should address any temporary and permanent impacts/changes to the Kill Van Kull federal navigation channel. (Jensen)
- Response:** The EA will include an analysis of the effects of the project on the federal navigation channel.
- Comment 60:** Traffic volumes are discussed in terms of vehicles, but the increased maritime traffic is not addressed. (Formosa)
- Response:** The EA will include an estimate of the project changes in maritime traffic with and without the proposed action.
- Comment 61:** There are also concerns with the highway geometry. If the span is lifted 65 feet higher, the grades on the bridge approaches will either become steep or

extensive in lengths. Given the various features on the shoreline, which include many parks, historic features, and wetlands, the relative impacts change dramatically depending on the resulting highway geometry, even with the proposed pier system discussed in the document. (Formosa).

Response: The EA will document the limits of disturbance due to the grade changes along the approach structure and what the impact would be to adjacent properties and roadways as appropriate.

J. AIR QUALITY

Comment 62: As a potentially "regionally significant non-Federal" transportation project, this project should be included in both the New York Metropolitan Transportation Council (NYMTC) and the North Jersey Transportation Planning Authority's (NJTPA) regional transportation conformity analyses. (Musumeci)

Response: The PANYNJ will work with both NYMTC and NJTPA to ensure that the program is documented appropriately in their respective planning processes.

Comment 63: It should be noted that it is a requirement of the Metropolitan Planning Regulations [23 Code of Federal Regulations (CFR) 450] that a regionally significant project, even a 100% non-federally funded project, be on an Metropolitan Planning Organization's (MPO) fiscally constrained portion of the Long Range Transportation Plan (LRP). We recommend your project team establish a goal to include the Bayonne Bridge Raise the Roadway Project in the fiscally constrained portion of the LRPs of both NJTPA and the NYMTC, and that the MPOs reflect this project and resultant modeling to complete their air quality conformity analysis as soon as possible. (Formosa)

Response: See response to Comment 62.

Comment 64: The NEPA document should include information on how the increase vessel size and assist tugs will impact the air quality. It should be noted that with the increase size of the vessels, the number of vessels will annually remain the same gain, or decrease in number. Where is the tangible benefit to the environment and environmental quality of life for the resident in this project? The proposed scope of the air quality analysis for the Project is inadequate and needs to be broadened to include direct, indirect, and cumulative air quality impacts that will result if the Project is implemented. (Musumeci, Schulte, Gillen, Thurman, and Savo)

Response: The EA will include an assessment of the effect of the project on emissions from maritime vessels that would call the marine terminals west of the Bayonne Bridge.

Comment 65: Both Richmond County, New York and Hudson County, New Jersey are in non-attainment for ozone and PM 2.5 (particulate matter less than or equal to 2.5

micrometers). The NEPA documentation should include a Clean Air Act General Conformity Determination with respect to emissions resulting from construction and demolition/removal activities, including emissions resulting from the construction of equipment staging, storage, support, and mobilization areas. The applicability analysis should be based on the total direct and indirect emissions for this project, and should not be based solely on peak equipment usage. (Jensen and Musumeci)

Response: The EA will include a General Conformity analysis as required of the U.S. Coast Guard as lead federal agency.

K. HAZARDOUS AND CONTAMINATED MATERIALS

Comment 66: Hazardous and Contaminated Materials indicates construction protocols will be based on a Phase I ESA, which apparently relies on historic records. We submit that substantial changes, including residential development, mandate a real-time assessment. Further, the documented presence of heavily contaminated sites in the immediate vicinity of the Bridge requires careful consideration. We fear a pro-forma review. Further, we must be made aware of these reports prior to the start of construction, with sufficient lead-time to review, and comment on, the data. (Gillen)

Response: A Phase I ESA is typically used in NEPA assessments to determine the potential for the presence of contaminated and hazardous materials within the areas of project disturbance. It relies on field visits, historical maps and recent database information from various regulatory agencies. Recent residential development does not increase the likelihood of contamination but rather decreases that likelihood since any contamination on the site in question would have been remediated prior to construction of the residential use. Once the Phase 1A is complete, detailed subsurface investigations will be conducted where (1) evidence of past or current contamination exists and (2) the project will disturb this area during construction. Similarly, areas of suspected asbestos containing material and lead paint will also be tested to determine their presence or lack thereof. During the final design phases of the project, and before construction is initiated, measures will be developed to avoid any adverse impacts upon public health and worker safety from the disturbance of this material during construction.

L. COASTAL ZONE MANAGEMENT

Comment 67: The NEPA document should assess any impacts to public access to the waterfront, as well as recreational use of the Kill van Kull, by the project. We fear that once larger vessels are introduced in some of our narrower waterways recreational vessels, including kayaks, will be restricted from using the waterways. (Mans)

Response: The EA will include a discussion of the effects of the project on recreational use of the Kill Van Kull.

Comment 68: The County Executive and Board of Chosen Freeholders as the governing body of Hudson County, New Jersey also support federal, state and local laws and regulations which promote public access to the County's coastal waterfronts, specifically the inclusion of provisions to facilitate public access to the Hudson River, Kill Van Kull and Newark Bay. (Marks)

Response: See response to Comments 26 and 54.

M. CONSTRUCTION EFFECTS

Comment 69: It appears that the method of bridge deck removal and details of the pier removal and construction are not yet known. For the NEPA document, the full range of potential methods should be discussed and the impacts evaluated. Also, the hydrodynamic effects of bring in larger ships should be evaluated. The document should discuss the full range of potential construction and staging operations. (Greene)

Response: The EA will include an assessment of the likely construction methods to be used and the potential adverse effects of those methods.

Comment 70: What is the plan for ongoing community information and receipt of comments? How will community members access information about construction schedules and locations? Whom would they contact to report problems or safety issues during construction? These issues must be clearly defined prior to the start of construction. (Van Guilder)

Response: The PANYNJ is developing a Public Outreach Program that will continue throughout the construction of the project. The details of that program will be included in the environmental assessment documentation.

Comment 71: Will those walking and driving near the bridge be at risk for falling debris or other safety hazards? (Van Guilder)

Response: Safety measures in accordance with all federal, state, and local standards will be required as part of the contract for construction of the proposed project.

Comment 72: During construction will there be extra safety measures for children who walk and play on neighborhood streets? (Van Guilder)

Response: Pedestrian safety measures in accordance with all federal, state, and local standards will be required as part of the contract for construction of the proposed project.

Comment 73: The Work Plan states that construction worker exposure to contaminants will be studied. That study should be expanded to include potential exposure to residents and non-construction workers nearby. (Van Guilder)

Response: The EA will include an assessment of potential exposure to contaminated materials during construction of the project.

Comment 74: The lengthy construction period of three years, involving nighttime and weekend construction in close proximity to existing residences and businesses, will directly impact those living and working within the direct vicinity of the Bayonne Bridge. The Project will directly lead to a vast increase in the amount of cargo that is processed through the Port, resulting in additional impacts that must be fully analyzed. As such, the USCG's NEPA review must include an analysis of the communities surrounding the Bayonne Bridge and the Port itself, including Newark, Kearny, Jersey City, Elizabeth, Bayonne, and Staten Island. (Schulte)

Response: The construction analysis will focus on those residents most closely located to the bridge itself. As discussed previously, the project is not intended to result in a "vast increase in the amount of cargo that is processed through the port". Any increase, and the impacts associated with that increase, that may occur due to the diversion of cargo from other ports will be documented in the EA.

Comment 75: Will noise from construction disturb residents' daily life? Will work schedules take into account residents' need for sleep (including those who work night shifts) as well as for the quiet enjoyment of their homes and backyards? How will residents be protected from noise impacts and what compensation will they receive for noise impacts? (Van Guilder)

Response: The EA will include a detailed analysis of the effects of construction on noise and vibration levels at nearby residences including methods to reduce those levels to the extent practicable. While still undergoing analysis, it is anticipated that certain construction activities would be prohibited during night-time hours. The EA will include an assessment of why certain activities must occur at specific times of the day and what the consequences of those activities would be.

Comment 76: In the Analysis Framework they are stating that this project will last 3 years and also be a 24 hour, seven day a week project. The work schedule is very aggressive and does not take into consideration the residential community's stress levels with trying to cope with late night and even day time noises, air quality: dust, dirt, fumes/emissions, traffic congestion, re-routings of traffic that it would bring to the neighborhood. We want to see a noise mitigation plan. There is also no thought for other types of construction that may be taking place in the area that will add to the level of noise and other construction related environmental stressors. The height increase of the Bayonne Bridge is already

on the heels of the ACOE deepening of the Kill Van Kull, which was at one time operating on a six day a week, 24 hours a day schedule for 12 years. (Thurman and Gillen)

Response: The EA will include a detailed discussion of the construction activities planned, any adverse noise and/or air quality effects from them and measures to avoid minimize or mitigate and significant adverse impacts associated with those activities.

Comment 77: We will also need to know if in heightening of the Bayonne Bridge will require digging deeper into the bedrock stone to stabilize the additional bridge height or widen the base. If that is the case, then wouldn't you need to take into consideration seismic vibrations in the Staten Island bedrock that travels a lot further and more intensely than most of the previous and ongoing heavy construction projects were willing to acknowledge. Property owners in the vicinity will want to know whether bridge foundation stabilizing methods require blasting, drilling, digging, or pounding with heavy equipment. There are a number of historic/landmark structures in the area that sustained damages with the USACE Blasting and Dredging Project in the Kill Van Kull. These historic structures along with other residences experienced vibrations that caused considerable damages to foundations, floors, walls, ceilings, windows and promenades. When heavy truck traffic is repeatedly re-routed through residential communities, vibrations from the trucks and heavy equipment causes stress cracks in the foundations of the structures walls and ceilings, etc. To compensate residents a repairs and replacement contract will have to be instituted for residential claims related to damages that are within the vicinity or in areas adjacent of this proposed project. (Thurman)

Response: The EA will include an analysis of the effects of construction on vibration levels including any adverse effects to historic structures. The analysis will include an assessment of truck traffic and potential routes to avoid any adverse effects from noise and/or vibration.

Comment 78: We will need to see a feasible air quality plan put into place immediately to reduce the amount of air quality emissions especially criteria pollutants that are in the air before this proposed project can take place. We will also need an accurate count of the number of diesel equipped vehicles and equipment that will be related to this project in the area. (Thurman)

Response: The EA will include description of the number, type and size of construction equipment that would likely be used for the project. A detailed construction air quality analysis will be performed to determine the effects of the project construction on ambient pollutant levels and measures to minimize any adverse effects from the operation of this equipment.

Comment 79: Due to chronic illness (i.e. asthma, allergies, dermal skin rashes, nose, throat and eye irritations, upper and lower respiratory infections, leeping disorders, anxiety, high blood pressure, strokes and heart attacks) that residents in the community suffer from, we will need to know what preventive measures will be taken to protect the environment to lessen these health issues from occurring. (Thurman)

Response: The EA will include measures to minimize the adverse effects of project construction on ambient air quality including diesel particulate matter.

Comment 80: The PANYNJ should discuss and implement diesel controls, cleaner fuel, and cleaner construction practices for all on- and off-road equipment used for transportation, soil movement, or other construction activities, including: strategies and technologies that reduce unnecessary idling, including auxiliary power units, the use of electric equipment, and strict enforcement of idling limits; use of ultra low sulfur diesel fuel in non-road applications; and use of the cleanest engines either through add-on control technologies like diesel particulate filters and diesel oxidation catalysts, repowers, or newer, cleaner equipment. (Musumeci)

Response: As part of the air quality analysis, the EA will discuss diesel control measures as suggested by the commentator.

Comment 81: Will construction vehicles infringe upon residents and guests' ability to park on the street? (Van Guilder)

Response: The EA will assess the effects of the project construction on on-street parking availability.

Comment 82: Will construction make it difficult for residents and guests to access Newark Avenue or other local streets? Will those with certain disabilities always have access via car to their homes? The Workplan needs to evaluate whether there would be any disruption of local bus service and/or blockage of bus stops involving the S40, S90, S46, S96, S89, S44, S94 as well as school buses. Will Sanitation services be disrupted? (Van Guilder)

Response: The EA will include an assessment of the project construction on local traffic flow and access. The analysis will also describe any changes to local bus routes and measures to mitigate any adverse effects.

Comment 83: We would also like to remind the USCG that according to the USEPA, the North Shore of Staten Island has one of the greatest numbers in childhood lead poisoning in the City of New York. A noted reason for the problem is private as well as publicly owned properties with high lead levels in the soil. (Thurman)

Response: Comment noted. Any lead disturbed or removed by the proposed project will be handled and treated in accordance with all federal, state, and local, requirements.

Comment 84: The NEPA documentation should address impacts from construction and demolition/removal activities and document USCG consultations for Federally-listed species, Essential Fish Habitat, species covered under the Fish and Wildlife Coordination Act, and Historic Properties, including Tribal consultation. (Jensen)

Response: The EA will document any effects to ESA, EFH or Section 106 resources as appropriate.

Comment 85: The study area should include all areas impacted by bridge construction and bridge demolition/removal activities. The study area must include all portions of waterways and wetlands where the following activities will be conducted: 1) dredging, transportation of dredged material to placement sites, and dredged material placement sites; 2) discharges of dredged or fill material; 3) construction equipment staging, storage, support, and mobilization areas; 4) disposal and stockpile areas for excess fill generated by the construction and/or demolition activities; and 5) mitigation areas. (Jensen)

Response: Currently, no dredging or discharge of dredged material is anticipated. To the extent that staging areas are known they will be assessed within the EA. However, it should be noted that some construction details, unless dictated by the project sponsor, would be left to the discretion of the contractor. For example, with respect to the removal of contaminated soil, the contractor would be responsible to obtain all necessary permits and approvals in accordance with all applicable laws and regulations for the ultimate disposal of this material. While the contract documents would specify what measures would be required to avoid any adverse effects on the surrounding community, the documents would not specify which exact disposal facility the contractor would be required to take this material to. The disposal facility must be permitted to receive the material but the ultimate decision would be an economic one at the contractor's discretion.

Comment 86: The analysis should include transportation disruption impacts, which would inevitably result in reconstruction such as that which has been advanced. (Savo)

Response: The EA will include a detailed analysis of potential traffic-related impacts during construction.

N. ENVIRONMENTAL JUSTICE

Comment 87: The NEPA Work Plan acknowledges the mandate for an environmental justice analysis, stating that the presence of environmental justice communities must be determined, before any analysis of impact is performed. The proposed scope of

the environmental justice analysis for the Project is inadequate and must be broadened to include all environmental justice communities. (Gillen and Shulte)

Response: An EJ analysis consists of two parts – (1) a determination of adverse effects and (2) the presence of environmental justice communities in those areas affected. Then an assessment must be made to determine if these impacts are “disproportionately high and adverse” upon the EJ communities. The EA will include any communities that are potentially adversely affected by operation and/or construction of the project to determine if these effects are disproportionate and high to any low-income or minority communities.

Comment 88: What extra steps will be taken to make sure that all members of the community, including those who might be less experienced in government environmental processes, are informed of the proposals and the impacts that will directly affect them? What extra steps will be taken to involve the local community members, including those who don't belong to a specific group or organization? What mitigation and compensation will be provided to the community for the 3 years of construction impacts? (Van Guilder)

Response: The PANYNJ is developing a Public Outreach Program that will continue through the NEPA process, final design and construction effort. The program is intended to inform the community of the activities that may adversely affect them and provide a mechanism for developing measures to avoid, minimize or mitigate any adverse effects to the extent feasible.

Comment 89: The NEPA document for the Bayonne Bridge Navigation Clearance must include direct, indirect and cumulative impacts of all aspects of the project on the environmental justice community in particular. This would include, but not be limited to, construction, demolition and operations emissions for the bridge, and ship emissions. Noise impacts from the larger ships and assist tugs should also be analyzed. We also suggest that the USCG meet with the community as soon as possible to ensure appropriate levels of communications with residents in the area. (Musumeci)

Response: See response to previous comment.

Comment 90: We are requesting that the project be open for public comment through an EIS instead of the proposed EA. In the NEPA Work Plan, it states that there will be negative impacts that will affect the environmental justice communities that are adjacent to the bridge, but it fails to list what those impacts will be. Nor does it explain how residents will be able to address those impacts, to whom, and in what way will they be able to receive restitution and relief? This is a very large project, too large not to have public participation, in addition we believe that the EA goes against the Environmental Justice Act of 1992, which states that it is within our rights to participate and be heard on matters that negatively impact our environmental justice communities. (Thurman)

Response: The PANYNJ intends to meet with residents that may be affected by the project. This level of community outreach goes beyond what is required under an EA or EIS. Furthermore, the project Workplan including the project's purpose and need, alternatives considered and environmental analysis framework was made publicly available by the USCG in an effort to provide the public with information that would be available for EIS (there is no such requirement for an EA). The PANYNJ is committed to working with the affected communities regardless of whether an EIS or EA is prepared.

Comment 91: Hudson County's large minority and disadvantaged populations should be duly considered in relation to the Environmental Justice impact of this project under Executive Order 12898. G. In conclusion, I recommend that the United States Coast Guard and Port Authority of New York and New Jersey give due consideration to the Environmental Justice impact of this project as well as applicable federal and state Coastal Zone Management policies to facilitate meaningful public access and include waterfront walkway provisions in the future plans for the Bayonne Bridge. (Marks)

Response: Comment Noted.

Comment 92: We have read through the Bayonne Bridge Navigation Clearance Project NEPA Work Plan and found it to be insufficient in providing us with information on how this project will negatively impact the environmental justice North Shore communities of Staten Island and the environment that sustains us. We are requesting that the project be open for public comment through an EIS instead of the proposed EA. Being that these are environmental justice (EJ) communities and there is an ongoing relationship with USEPA's Environmental Justice Department, we are requesting that they intervene and connect Staten Island's North Shore EJ community leaders and residents with other EJ community leaders and residents who have undergone bridge heightening or replacement projects, etc., in order that we can learn from their experiences. (Rose and Thurman)

Response: The Workplan was not intended to provide the information requested in the comment. The analysis of potential adverse impacts to any EJ communities will be part of the EA now being prepared. Whether an EIS or an EA is prepared the required analysis under the Environmental Justice Executive Order is the same.

Comment 93: Raising a bridge can only bring additional pollution issues with increased cargo shipping, trucking, the movement of hazardous materials and construction actions. Indeed, the community closest to the Bayonne Bridge has expressed concern about potential lead contamination from removal of bridge paint and adjustments to bridge piers. This community suffers the longstanding injuries produced by earlier generations of industrial and toxic waste disposal. (Rose)

Response: The EA will address the issues of increased emissions of pollutants during construction and whether the project would have any long-term effect on ambient air quality in the community.

O. INDIRECT AND CUMULATIVE EFFECTS

Comment 94: The cumulative effects of the project (shipping patterns, increased vessel size, and vehicular traffic in the region) should be considered also. (Greene)

Response: The EA will include an analysis of the effects of the project on shipping patterns, the amount of cargo delivered and the number of vessels destined for marine terminals west of the Bayonne Bridge.

Comment 95: Various other projects are being studied for the area such as a North Shore rail line or bus way and a natural gas pipeline as well as potential additional transit over the Bayonne Bridge. How does the schedule for this project mesh with those projects? Will the community face construction effects from multiple projects at the same time or in close succession? Will delays in one project affect the timeline of the other projects? (Van Guilder)

Response: Currently, there is an alternatives analysis being prepared by FTA/NYCT for possible transit improvements to the North Shore rail right-of-way. The EA will consider this project as well as others to determine if, in fact, they are foreseeable and should be included in any cumulative effects analysis.

Comment 96: The indirect and cumulative impacts analysis must include an evaluation of the increase in cargo and the subsequent environmental and other impacts that will have on the marine terminals, rail terminals and highways that serve them. EPA understands that the Howland Hook Terminal expansion is being held in abeyance at this time, possibly to wait for elevation of the Bayonne Bridge. If this is the case, the Howland Hook expansion should also be evaluated in this NEPA document. (Musumeci)

Response: The expansion of the Howland Hook Terminal is not related to the raising of the Bayonne Bridge. The growth in cargo at the PANYNJ's facilities west of the Bayonne Bridge would occur with or without the proposed action. It is part of the natural growth in the regions demand for goods that has been expected to occur regardless of any consideration of removing the height limitation of the current Bayonne Bridge. This growth has been documented in a number of studies and environmental documents including the ACOE's HNS and the BBADA. To the extent that the proposed action would increase freight flows at the marine terminals west of the Bayonne Bridge over the No Action Alternative, the EA will document this and any potential adverse effects from the processing of this additional cargo.

Comment 97: A complete EIS is a must for the Bayonne Bridge project. The intersecting impacts of the Superfund projects in Port Richmond and Mariners Marsh, added

to the proposed pipeline by Spectra and continuing work at the Ferry Terminal and numerous construction projects that are in the vicinity of the Bridge demands a full examination. The lengthy duration of the construction phase, the vast size of the surrounding environmental justice community and the potential local and regional impact on energy consumption, pollutant emissions and greenhouse gases constitutes a substantial Federal action which affects the quality of the human and natural environment. (Rose)

Response: Whether an EIS or an EA is prepared, NEPA requires an analysis of Environmental Justice in accordance with Executive Order #12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*. Similarly, analysis of the cumulative effects of the project in conjunction with other current or foreseeable future projects is also required whether an EA or EIS is prepared. The EA will consider the potential cumulative effects of these projects in conjunction with the proposed action as appropriate.

Comment 98: There is no discussion of secondary or cumulative impacts, which is certainly applicable to increased movement of freight in the area. The document mentions that the project improvements will allow for the influx of vessels containing 12,000 container boxes, previously restrained to smaller vessels containing 4,000 container boxes. That is a significant change in the amount of freight entering the port which will put a strain on the rail and highway infrastructure. NEPA regulations require an evaluation of such impacts. (Formosa)

Response: The project is intended to allow 12,000 TEU ships to deliver what is currently being transported by three 4,000 TEU ships. The EA will document the number of containers estimated to be delivered by categories of ships with and without the project and assess the potential environmental effects of these two conditions.

Comment 99: The NEPA document must examine the impacts on vehicle/truck use from increased cargo coming into the Port, and therefore the terminals, as a result of raising the clearance of the Bridge. Increased TEUs at the terminals likely will result in an increase in truck trips to and from the terminals, absent a significant investment in rail and/or barge transport. (Mans)

Response: The project is not intended to increase the number of containers that would arrive at the marine terminals. Its purpose is to allow larger post-panamax container ships to access the marine terminals west of the Bayonne Bridge more efficiently transporting the goods destined to the port with or without the proposed project.

Comment 100: The environmental impact statements should include the incalculable damage, which has been inflicted upon the environment of the cited waterways, including massive filling at Newark and Elizabeth, New Jersey. Similar filling,

which has occurred at the Bayonne-Jersey City boundary, within the water of Upper New York Bay. Prolonged drilling and blasting of affected impacted waterbodies, particularly the Kill Van Kull strait. Interminable dredging, which expands unabated.

Also, among the many losses, the Central Railroad of New Jersey drawbridge, which had been removed several decades ago, eliminated the sole rail passenger link to destinations westerly and southerly from Bayonne.

The imbalance here is striking. Most thoughtful consideration should be directed to reparation with regard to the numerous losses. (Savo)

Response: These are beyond the scope of the project.