

**Hudson-Raritan Estuary - Liberty State Park
Ecosystem Restoration Study
Final Integrated Feasibility Report and Environmental Impact Statement**

REPORT SUMMARY

STUDY INFORMATION

Study Authority. Liberty State Park (LSP) is part of the Hudson-Raritan Estuary (HRE) Environmental Restoration Study being carried out under the U.S. Army Corps of Engineers' General Investigations Program. The study was authorized by a resolution of the Committee on Transportation and Infrastructure of the U.S. House of Representatives, dated 15 April 1999, Docket 2596, which reads:

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army is requested to review the reports of the Chief of Engineers on the New York and New Jersey Channels, published as House Document 133, 74th Congress, 1st Session; the New York and New Jersey Harbor Entrance Channels and Anchorage Areas, published as Senate Document 45, 84th Congress, 1st Session; and the New York Harbor, NY Anchorage Channel, published as House Document 18, 71st Congress, 2nd Session, as well as other related reports with a view to determining the feasibility of environmental restoration and protection relating to water resources and sediment quality within the New York and New Jersey Port District, including but not limited to creation, enhancement, and restoration of aquatic, wetland, and adjacent upland habitats.

Study Sponsor. The Port Authority of New York and New Jersey (PANYNJ) is the study sponsor and the New Jersey Department of Environmental Protection (NJDEP) will participate as the construction sponsor.

Study Purpose and Scope. The LSP project marks an interim response to the HRE study authority and is the first project implemented under the goals of the HRE Comprehensive Restoration Implementation Plan (CRIP). The comprehensive Hudson-Raritan Estuary study program encompasses the PANYNJ district. As part of the Hudson-Raritan Estuary Reconnaissance Report completed in 2000, the District identified the need for "building blocks," that is, projects that could be built and learned from while the general Hudson-Raritan Estuary study was still being formulated. Building blocks provide an immediate and important ecological benefit to the estuary, and interim results can be evaluated to calibrate predictive ecological models for the CRIP. Liberty State Park is the first of these building blocks. A full response to the overall HRE study authority is in progress.

The purpose of the project is to restore the environmental functionality of the area, particularly the wetland and aquatic habitat, which has been adversely affected by past filling activities. The

project includes alterations to the topography of the site to restore buried salt marsh/mudflats, and treatment of sediments and adjacent waters which have deteriorated, further jeopardizing the aquatic habitats that they support. Control of invasive species is also included to reduce impacts on native vegetative habitats on site.

Project Location/Congressional District. The PANYNJ district, roughly defined as being within a 25-mile radius of the Statue of Liberty, represents the most adversely affected portion of the Hudson Raritan Estuary (HRE) and is commensurate with the broad study area limits of the HRE effort. The defined study area under this interim response consists of the Liberty State Park, located in Jersey City, Hudson County, New Jersey, which is on the western side of New York’s Upper Bay, a few hundred feet from Ellis Island and the Statue of Liberty. The study area is within New Jersey’s 13th Congressional District and is represented by the Honorable Robert Menendez. The park consists of 598 mainly degraded upland and wetland acres and 523 tidal acres, for a total of 1,121 acres.

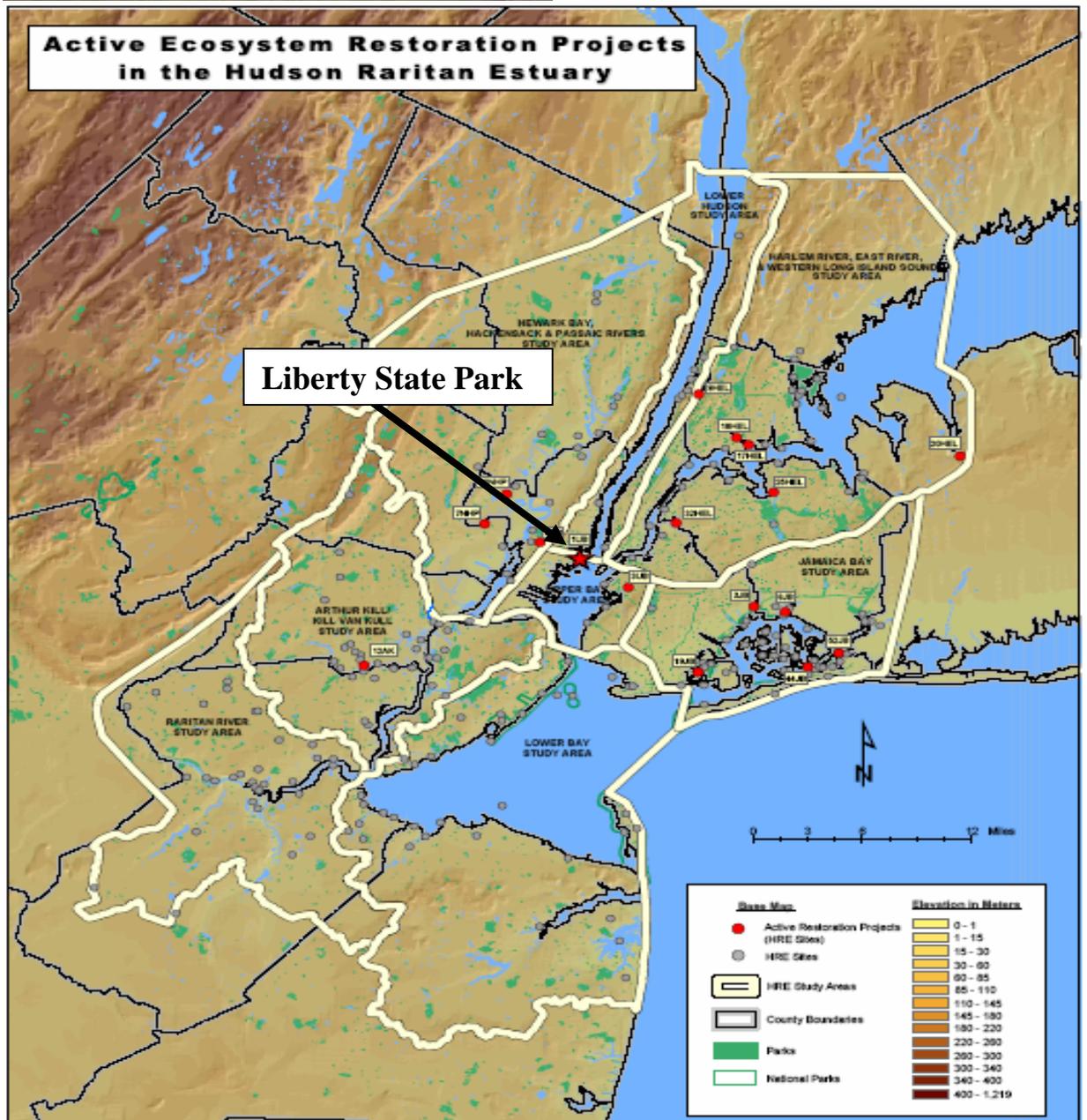
Prior Reports and Existing Water Projects. Reports and Studies on Liberty State Park include:

Title and Source	Year	Notes
Effects of Construction of the Liberty State Park on Hydraulic Characteristics of New York Harbor (USACE)	1976	No Issues
Plan of Study, Liberty State Park (USACE)	1980	No Issues
Liberty State Park, New Jersey, Levee and Seawall Design Memorandum and Project Design (USACE)	1981	Design Document for Liberty Walk on eastern edge of park
§905(b) Reconnaissance Report of the Hudson-Raritan Estuary (USACE)	2000	Identified Federal interest in HRE overall and specific sites, including LSP
Restoration Opportunities in the Hudson-Raritan Estuary (USACE)	2001	Technical supplement to the §905(b), contains more detail on LSP
General Design Memorandum for The Parks Interior Section (NJDEP)	2001	Consulted during initial plan formulation, coordination with local interests
Needs and Opportunities for Environmental Restoration in the Hudson-Raritan Estuary (Regional Plan Association)	2003	Includes LSP as a priority restoration opportunity in HRE

Other efforts within the HRE study, beyond the overall CRIP and LSP, are the Hackensack Meadowlands, Lower Passaic River, Gowanus Canal, Newtown Creek, and Sherman Creek investigations. Liberty State Park would be the first large scale component of HRE.

Federal Interest. The NER plan will result in a significant increase in wildlife habitat and estuarine functional value in a cost effective manner. It increases the availability of cover, foraging, nesting and breeding habitat for state threatened and endangered species; restores USEPA designated priority wetlands (e.g., salt marsh); improves water quality; increases the value and availability of spawning and nursery habitat for anadromous fish species; enhances

Liberty State Park



wetland habitat for migratory waterfowl; assists in the enhancement of wildlife habitat corridors; and increases aesthetics and opportunities for passive recreation; and promote science education.

The NER plan meets the goals and objectives of many programs, statutes, and policies on an institutional, public, and technical level. At a cost of about \$33.4 million dollars, the NER plan will restore or enhance an area of about 234 acres with an estimated increase in 4,436 ecological functional units.

STUDY OBJECTIVES

Problems and Opportunities. Liberty State Park was once mostly open cove and coastal marshland until it was filled in the 19th century to create a large urban rail yard. The rail yard and nearby properties were converted into an urban waterfront park in 1976 as part of the United States bicentennial celebrations. While many improvements have been made, in the absence of this project, the study area ecosystem will experience long-term decrease in ecological value, due to successional processes and accelerated dominance of invasive and opportunistic species. Tidal marsh habitat has been lost through filling. Existing maritime grassland communities located adjacent to monocultures of invasive plant species will likely become non-existent within the Liberty State Park restoration area at some future point. Freshwater wetland functional value will likely decrease over time, as common reed and/or purple loosestrife are common in most of the freshwater wetlands, and are poised to spread in many cases. Existing wetlands may develop into monocultures of these invasive species, losing ecological value and further reducing the already severely depleted acreage of tidal wetlands, a key driver of a healthy system.

It would not be practical to restore this site to its “original” or “predevelopment” condition of open water, intertidal flats, and tidal marshlands. However, restoration of 234 acres of mostly undeveloped parkland that is now fenced off in an inaccessible interior section will provide substantial benefit to all 1,121 acres of the park by linking previously developed and restored, but isolated, components of the park into one cohesive whole to a more ecologically valuable condition.

Planning Objectives. The following restoration objectives were identified:

- Increase habitat functionality;
- Restore under-represented habitat (*e.g.*, permanently flooded FW wetlands);
- Increase habitat for rare or special-interest species (*e.g.*, raptors);
- Restore tidal wetlands to estuary;
- Stabilize/protect existing desirable wetland habitats;
- Reduce invasive species (*e.g.* *Phragmites*, mugwort, and Japanese knotweed);
- Increase recreational opportunities (as secondary consequences of restoration activities);
- Contribute to national ecosystem restoration by providing more natural habitat in the most densely populated and intensely developed metropolitan region in the country; and
- Maximize NER benefits in all plan components.

Planning Constraints. The formulation and evaluation of alternative plans was constrained by a variety of considerations including technical, economic, environmental, regional and social, and institutional constraints. Significant constraints included:

- Plans must be evaluated in a systems context for the features to function as self-sustaining systems;
- Plans must be formulated recognizing the attainable restoration state, given the influences of human activities and culturally induced changes in the landscape that are likely to persist and influence system conditions after project completion;
- Plans must be formulated recognizing no soil should be taken off site;
- Plans must avoid chromium sites within the Park;
- Plans must be compatible with the September 11 Grove of Remembrance Area, with full avoidance of impacts; and
- The plan must be consistent with the existing Consent Decree.

ALTERNATIVES

Plan Formulation Rationale. Plan formulation was accomplished in accordance with the Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation studies and applicable regulations and laws. Each potential solution was evaluated with regard to engineering, economic, environmental and social criteria. Economy, Environment, and Social Well-Being are interlinked and interdependent within the HRE. The relationship between the HRE-CRIP and the first building block of LSP will be a key consideration. Ecosystem benefits will be measured and quantified through a modified USACE New England Highway Methodology, expressed in Ecological Functional Units (EFUs). This method was chosen because of its ability to assess more than one habitat type, including wetlands and upland buffers (15 types of ecological communities). Portions of the park have been developed by other organizations. Therefore, this proposed project focuses on the approximately 234 undeveloped acres in the interior of the park. It is anticipated that restoration of this interior section will provide substantial benefit by linking previously developed and restored, but isolated, components of the park into one cohesive whole.

Key Assumptions.

- No mixing between freshwater & tidal water. The freshwater and tidal components are designed as separate systems, and should function accordingly up to 200-year frequency flood.
- LSC continues to function at its current location. Drainage from the Liberty Science Center is integral to the LSP water budget for the freshwater wetlands. Also, though not quantified, the educational value of the wetlands is dependent on the LSC's presence on site, which draws visitors.
- No additional loading of contaminants on site. Past commercial activities were the biggest sources of contaminated materials on site. With the conversion of the site into a park, there will be no more sources of contaminants. It is hoped that the completion of the proposed project will result in more visitors to LSP and LSC. However, it is assumed

that the area parking lots will not be expanded, so the proposed biofilters will be able to handle the fractional increase in the amount of parking lot run-off.

- No commercial development. Liberty State Park cannot be developed for commercial or residential purposes, per its charter. This condition was assumed in the without project conditions.

Management Measures and Alternative Plans. Previous reports were consulted in the development of restoration features for screening and served as the starting point for the development of restoration features. Two nearby sites provide excellent reference for the proposed salt marsh and will help to ensure the success of the project. One is a salt marsh within Liberty State Park to the south of the study area, and the other is a four-acre wetland system at a property adjoining the park created as mitigation for waterfront development. Potential ecosystem restoration measures included:

- 1) No Action Alternative.
- 2) Removal of invasive species.
- 3) Planting of native species.
- 4) Topsoil/Sand Treatment.
- 5) Addition of water to freshwater wetlands.
- 6) Enhancement of existing wetlands
- 7) Creation of infiltration basin.
- 8) Single inlet tidal creek with on-site placement of excavated material.
- 9) Single inlet tidal creek with off-site placement of excavated material.

The potential restoration measures were further developed with preliminary costs and habitat assessments, as displayed in the following table:

(1) Management Measures	(2) Management Measure Increment	(3) Net EFUs	(4) Cost
No Action	None	0	\$ -
A- Tidal Creek, Salt Marsh	1= Tidal Creek with on-site containment (in the form of Berm)	2120	\$ 22,361,909
	2 = Tidal Creek with off-site disposal	1426	\$ 101,319,000
B- Freshwater Wetland Enhancement	1= Liberty SC water	62	\$ 1,065,568
	2 = 1 + NJ Transit, existing wetland	66	\$ 1,692,188
	3 = 2 with enhanced wetland	156	\$ 2,095,277
	4 = 3 + infiltration basin	415	\$ 2,300,948
C- Upland Management	1 = Removal of invasive species	770	\$ 4,966,432
	2 = 1 + native plantings	1051	\$ 12,274,649
	3 = 1 + Topsoil + Erosion Control	1051	\$ 22,331,910
	4 = 2 + Topsoil + Erosion Control	1051	\$ 29,640,127

Management measures were combined to create alternative plans. As the measures are either incremental or contradictory, they can be assembled only in structured combinations (no plan can include both A₁ and A₂). Accordingly, the study team began with 75 alternative plans ((3(A) x 5(B) x 5(C) = 75 alternatives). The Cost Effectiveness Analysis identified 21 cost effective and least cost alternative plans.

Final Array of Alternatives. Of the 21 plans, 3 Best Buy Plans were identified through the Incremental Cost Analysis. The plans are displayed below:

Solution No.	Component Measures	Description	Outputs EFUs	Costs	Incremental Cost (\$ per EFU)
No Action	A ₀ + B ₀ + C ₀	No action	0	\$ 0	0
Best Buy #1	A ₀ + B ₄ + C ₀	LSC water, enhanced NJ Transit existing wetland and infiltration basin	415	\$ 2,300,948	\$ 5,547
Best Buy #2	A ₀ + B ₄ + C ₁	LSC water, enhanced NJ Transit existing wetland and infiltration basin and removal of invasive species	1,186	\$ 7,267,380	\$ 7,473
Best Buy #3	A ₁ + B ₄ + C ₁	Tidal creek creation with on-site placement, LSC water, enhanced NJ Transit wetland, and removal of invasive species	4,436	\$29,629,289	\$ 7,019

Comparison of Alternatives. Although Best Buy Plan #1 has the lowest incremental cost per output, it does not adequately address the problems identified at LSP (an addition of 415 EFUs points to the existing 3568 points). It only addresses the freshwater wetlands, not the loss of tidal habitat or the upland maritime grasses that have been encroached upon by mugwort and common reed. As the next Best Buy Plan (Plan #3), including the creation of a tidal creek with on-site material placement (berm creation), freshwater wetland enhancement including Liberty Science Center water, an enhancement of the LSC wetland, and an infiltration basin, and clearing and grubbing of the upland portion of the site, adequately addresses the problems, opportunities, and objectives of the study, it was chosen as the Recommended Plan for an estimated first cost of \$29,629,289 and an estimated habitat output gain of 4,436 EFUs.

Recommended Plan. The recommended plan (Best Buy Plan #3) addresses the problems, opportunities, and objectives of the study in a cost effective manner. At the northeastern end of the project area, the North Cove Inlet area will be dredged and will connect to a newly created 50 foot wide meandering tidal creek. This hydraulic linkage will be achieved through the construction of a 48 foot wide culvert under Freedom Way road. The tidal creek will taper to a 25 foot width and terminate at the southwest end of the dredged material containment area of the park. This action will result in the creation of 46 acres of salt marsh. Approximately 15 acres surrounding the tidal creek system will function as an upland buffer zone of vegetation. The

creation of 46 acres of salt marsh at LSP will significantly enhance the ecological value of salt marshes in the harbor. Salt marshes, which once lined the harbor, were gradually eliminated during the industrial revolution. These endangered remnant pocket marshes exist primarily between piers throughout the harbor. They provide invaluable wildlife habitat in the center of the most densely populated area of the country.

The excavated material from the salt marsh will be used to create approximately 50 acres of warm weather grasslands in the southwest corner of the site in the form of a berm that will slope downward toward the interior of the park. This use was determined to be the least cost disposal option for the excavated material. With the disappearance of agriculture from the area, and much of the state, this type of habitat is also considered threatened in New Jersey. The warm weather grasses will provide forage and breeding areas for many passerine and raptor species. They will enhance the potential for successful nesting of *Circus cyaneus*, a state listed species that has unsuccessfully nested in the park for the past several years.

Freshwater wetlands were eliminated from the Bayonne/Jersey City peninsula, long ago. The creation/enhancement of 26 acres of freshwater wetland systems in the area between the eastern edge of the Liberty Science Center Parking lot and the tidal wetland system will help to restore this locally endangered habitat. The proposal calls for the creation of a series of three wetlands, one of which will provide for deepwater habitat, currently absent from the park. Drainage swales will provide freshwater access to sustain these wetlands through natural storm water runoff. In addition, through grading of the material excavated from the proposed salt marsh, the watershed of the existing 23 acres of seasonally flooded wetlands will be significantly increased. The improved hydrology combined with minimal control of invasive exotic species will greatly enhance the ecological value of these wetlands.

No action is planned for the remainder of the site, consisting of 112 acres in the interior sections of the park (includes the 23 acres of seasonally flooded wetlands) which is currently dominated by northern hardwood tree species and maritime shrubs assemblages. The interior will include an urban forest of about 74 acres. Its management will focus on assemblage development and the control of invasive species, especially portions closest to the tidal marsh and freshwater wetland, and it will act as a protective buffer for these rare habitats. The urban forest is one of the largest contiguous areas of naturally established successional hardwoods in the metropolitan area and will indirectly benefit from the reestablishment of this urban ecological mosaic.

The restored habitats will be monitored after construction to assure the project goals are achieved as well as to identify any problems requiring significant remedial measures at an early stage. Monitoring will occur during years 1, 3, and 5 after construction, and will include, at a minimum, as assessment of vegetation development, tidal creek profile changes, water surface elevations, water quality parameters, soil profiles, and habitat usage. The monitoring will be conducted in the restored salt marsh, freshwater wetlands, berm placement area, tidal creek areas, and at appropriate reference points. While project designs are intended to result in self sustaining habitat functions, the monitoring will confirm its success or indicate if any significant corrective actions or modifications may be required under an adaptive management program.

Systems/Watershed Context. The LSP project marks an interim response to the HRE study authority and is the first action taken to implement the goals of the HRE CRIP. LSP will provide an immediate and important ecological benefit to the estuary, and its results can be evaluated to calibrate predictive ecological models for the CRIP. A full response to the overall HRE study authority is in progress, and is the next product of the HRE study. A number of agencies and environmental groups cooperated with the New York District in executing this study including the EPA, NJDEP, Baykeeper, NOAA and USFWS.

Environmental Operating Principles. First and foremost, LSP is an ecosystem restoration project that returns lost habitat values to the proposed site and to the wider estuary. LSP is consistent with the EOP's in the following ways:

- The Liberty State Park Ecosystem Restoration project addresses watershed resource issues among Federal and state agencies, and other non-government organizations. The data acquired for the project, has been and future monitoring will be shared to better understand the "big picture" of the HRE Study. EOP Nos. 1, 2, 3, 4, 5, 6, 7.
- This reconnection of a blend of habitat types that are fragmented and dispersed throughout the watershed is a restoration of significant ecosystems and resources. EOP Nos. 1, 2, 3.
- The project acknowledges the harbor/port development activities with the surrounding natural system found at the Liberty State Park as well as the Harbor Estuary by maintaining a healthy, diverse, and sustainable environment. EOP Nos. 1, 2, 3, 4.
- There will be educational opportunities in conjunction with the Liberty Science Center and historic Central New Jersey Rail Road Terminal within the Park. EOP Nos. 6, 7.
- The LSP project will apply adaptive management principles and an adaptive assessment process that can be used for the overall HRE Study, to determine ecosystem system response to such projects and the need to modify/improve existing or future projects within the HRE Study Area. EOP Nos. 5, 6.

Independent Technical Review. Portions of the ITR were conducted at District level. CENAE conducted the ITR of the engineering appendix. The report was sent MVD – Planning Center of Expertise (Ecosystem Restoration) for review. Issues resolved during the ITR process include:

- Systems context of the restoration including uplands. The connection between proposed restoration activities and the aquatic habitat was not clear enough in the draft report. All proposed upland restoration activities are directly related to the aquatic components. This aspect of the report has been strengthened.
- RE LERRD and opportunity cost of lands. The PDT provided more detail and documentation on why the REP assessment of \$0 LERRD credit is correct in this case. The prospective non-Federal sponsor owns the study area, and there is no other possible use of the site than as a park.
- Consent decree and contaminants. The study area contains substances that are listed as HTRW, but not in large enough quantities for this site to be treated as HTRW. All proposed actions have ecological rationale, and no additional costs are incurred by the

presence of these substances. All proposed actions comply with the Consent Decree, which anticipates and encourages USACE ecosystem restoration of the site.

- **Clean Air Compliance.** This project is in compliance with the Clean Air Act. The bulk of the projected emissions is terrestrial and therefore will be included in the State of New Jersey's SIP. The portion of the emissions from aquatic work will fall well under the threshold.

EXPECTED PROJECT PERFORMANCE

Project Costs. Project first costs are shown in the following table and are developed using October 2005 price levels.

Construction Item	Cost
Lands & Damages	\$ 31,000
Fish & Wildlife	\$ 28,940,000
Engineering and Design	\$ 2,130,000
Construction Management	\$ 2,275,000
Total Project Construction Costs	\$ 33,376,000

Equivalent Annual Costs and Benefits. The average annual project costs and benefits are displayed in the following table. Annualized costs are based on October 2005 price levels, 5.125% discount rate, and a 50-year period of analysis. A two year period for construction assumed for overall project.

Item	Costs	Costs (7%)	Benefits
Investment Cost			
First Cost	\$ 33,376,000	\$ 33,376,000	
Interest During Construction	\$ 1,905,000	\$ 2,615,000	
Total Initial	\$ 35,281,000	\$ 35,991,000	
Annual Cost			
Interest & Amortization	\$ 1,970,000	\$ 2,608,000	
OMRR&R/Monitoring	\$ 175,000	\$ 177,000	
Subtotal	\$ 2,145,000	\$ 2,785,000	
Annual Benefits			
Non-Monetary Ecosystem Restoration			4,436 EFUs

Cost Sharing. The project would be cost shared between the Federal government and the non-Federal sponsor as shown in the following table.

	Federal		Non-Federal		Total
	Cost	Percent	Cost	Percent	
Initial Project Costs	\$ 21,694,000	65	\$ 11,682,000	35	\$ 33,376,000
Real Estate Costs*	\$ 0		\$ 30,000		\$ 30,000
Cash Contribution	\$ 21,694,000		\$ 11,652,000		\$ 33,346,000
O&M Costs	\$ 0	100	\$ 167,000	100	\$ 167,000

* Applicable to required non-Federal cash contribution.

Project Implementation. The non-Federal sponsor for project implementation is the New Jersey Department of Environmental Protection. All standard items of local cooperation apply. Since the study area is owned by the State of New Jersey and there is no better alternative use of the site than a park, real estate costs consist of administrative fees. The non-Federal sponsor plans a perimeter trail for the project when complete, at 100% non-Federal cost and with full coordination to ensure that the passive recreation features do not adversely affect the habitats. Annualized costs include a monitoring and adaptive management component.

Operation, Maintenance, Repair, Rehabilitation and Replacement (OMRR&R). The non-Federal sponsor will operate, maintain, repair, replace, and rehabilitate the completed Project, or functional portion of the Project, at no cost to the Federal government, in a manner compatible with the project's authorized purposes and in accordance with applicable Federal and State laws and regulations and any specific directions prescribed by the Federal Government. Specific O&M tasks include:

- Clearing drainage pipes along Philips Drive and the connecting swales in the LSC freshwater wetland complex.
- Clearing the culvert opening for the tidal creek on Freedom Way.
- Clearing accumulated debris, such as trash left behind by park visitors.
- Maintaining signage along the perimeter trail.
- Maintaining additional LSP staff to oversee the constructed habitat features.

Costs of these activities are estimated at \$167,000 annually.

Key Social and Environmental Factors. The recommended plan is the best alternative with respect to the four benefit accounts (NED, OSE, RED, EQ). Positive effects of the plan are described below and the pertinent account is noted:

- A significant local and regional addition to estuarine habitat functional value in the Upper Bay region of the Hudson-Raritan Estuary, a heavily developed inner-harbor portion of the system especially hard hit by habitat alteration and reduced resources. Fish and wildlife will benefit from the addition of salt marsh habitat that will complement already existing nearby. EQ
- The project will add both numerically and value-wise to other projects that also contribute to the restoration of the Hudson-Raritan Estuary restoration efforts. EQ

- Previously unavailable low impact, nature and education related recreational opportunities will be added to those already available. OSE, NED
- A major contribution to the cumulative aesthetics of the NY-NJ Harbor area, considering the recommended plan's highly visible location. OSE
- Increased visitation to LSP would provide an increase on the cumulative effect on spending in the surrounding Jersey City area. NED, RED

Stakeholder Perspectives and Differences. The Liberty State Park project has enjoyed wide support from the public and resource agencies. The Recommended Plan was warmly received at the Public Meeting held on September 26, 2005. In the spirit of EC1105-2-409, representatives from resource agencies have participated in monthly Project Delivery Team meetings and have been generous with their insights and recommendations throughout the planning process.

Throughout the planning process, the study team was mindful of a Consent Decree issued by the United States District Court, District of New Jersey, in June 2000 on behalf of the Interfaith Community Organization, Inc. to the NJDEP. The Consent Decree describes problematic areas within Liberty State Park identified by the Interfaith Community Organization and outlines mutually acceptable solutions for these areas. The Consent Decree anticipates this restoration feasibility study, explicitly mentioning Army Corps of Engineers involvement in paragraphs 25 to 27 of the text. In brief, if construction of a salt marsh or other desirable habitat in the dredge materials area does not begin by December 31, 2007, NJDEP must place a one-foot cap of clean fill on the area, beyond the one-foot cap already present. The capping measure is a secondary alternative, to be enacted only if the Corps of Engineers finds the restoration project is not feasible. Federal analysis of the site found a restoration alternative that is feasible, provides substantial ecological benefits, and is in compliance with the requirements of the Consent Decree.

The final report and proposed Chief of Engineers report were circulated to the State of New Jersey and Federal agencies for comment. The 30-day review period ended on December 12, 2005. Comments were received from several agencies and organizations. The State of New Jersey Department of Environmental Protection (November 30, 2005 and December 2, 2005) noted that the project would greatly enhance habitat viability within Liberty State Park and add to the passive recreation opportunities enjoyed by millions of visitors per year, but had no specific comments on the report. The U.S. Fish and Wildlife Service (December 6, 2005) expressed support for the selected alternative for habitat enhancements at Liberty State Park, but had no additional comments on the draft report of the Chief of Engineers. FWS did request additional coordination be conducted to complete Endangered Species Act consultation for the bald eagle. With regard to the requested coordination for the bald eagle, FWS was notified that we do not believe that the development of such a plan is appropriate at this time, given that the Fish and Wildlife Service has determined that the proposed project would not adversely affect the species. Normally, a "no adverse affect" determination leads to the closure of the section 7 consultation process pursuant to the Endangered Species Act. They were advised that the Corps of Engineers would support the preparation of a bald eagle management plan should the species be attracted to the site in the future, and would enlist the cooperation of the non-Federal sponsor in the event that future consultation under section 7

of the ESA is warranted. Continued cooperation was promised for the upcoming phases of the project. Four agencies responded by e-mail that they had no comments on the final report. These included: the National Oceanic and Atmospheric Agency of the Department of Commerce (December 20, 2005), the National Center for Environmental Health within the Department of Health and Human Services (December 20, 2005), the U.S. Coast Guard (24 January 2006), and the Environmental Protection Agency (15 March 2006). Continued support for the project was also expressed by the Friends of Liberty State Park (November 25, 2005).

LIBERTY STATE PARK
Recommended Plan Features

