

**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION**

REVISED FINDING OF NO SIGNIFICANT IMPACT

Project: **New Jersey-Pennsylvania Lackawanna Cut-Off Passenger Rail
Service Restoration Project**
Applicant: **New Jersey Transit Corporation**
**Project Location: Morris, Warren, Sussex Counties, New Jersey
and Northampton, Monroe, Wayne and Lackawanna Counties,
Pennsylvania**

1. INTRODUCTION

The Lackawanna Cut-Off Passenger Rail Service Restoration Project is proposed by the New Jersey Transit Corporation (NJ TRANSIT), with the Federal Transit Administration (FTA), as the Lead Agency and the U.S. Army Corps of Engineers (USACE), as a cooperating agency.

The Lackawanna Cut-Off Passenger Rail Service Restoration Project proposes to restore rail passenger service on existing railroad right-of-way from Hoboken, New Jersey/midtown Manhattan to Pennsylvania (“the Project”). FTA published a New Jersey – Pennsylvania Lackawanna Cut-Off Passenger Rail Service Restoration Project Environmental Assessment (EA) dated June 2008 in compliance with the National Environmental Policy Act (42 U.S.C. Section 4321 et seq.) and Federal Transit Administration’s (FTA’s) implementing regulations (23 CFR 771). Subsequent to the issuance of the EA, it was decided to evaluate and construct the project in two segments, a Minimal Operable Segment (MOS) and a non-MOS. A FONSI was issued on September 12, 2008 for the MOS segment. A FONSI was issued only on the MOS because FTA determined that information was needed to further analyze the impacts of the non-MOS portion of the Project on wetlands and threatened and endangered species habitat. Subsequently, a Supplemental EA was published on June 17, 2009. The Supplemental EA provided the additional analysis specific to wetlands and threatened and endangered species habitat on the Non-MOS.

The Lackawanna Cut-Off Passenger Rail Service Restoration, also referred to as the “the Project” or the “Build Alternative,” will be constructed in two segments: the MOS and the non-MOS. The MOS consists of a 7.3 mile corridor with infrastructure improvements from Port Morris, NJ to Andover, NJ and the construction of Andover Station. The service to be operated on the MOS portion of the project will extend service out to Andover, NJ from Hoboken, NJ, a distance of 52.3 miles, 45 miles of which are currently served by NJ TRANSIT Morris & Essex and Montclair-Boonton Line trains.

The non-MOS the second stage in the development of the Lackawanna Cut-Off Passenger Rail Service Restoration Project would extend service from Andover, NJ to Scranton, PA, an additional distance of 80.7 miles. That portion of the project would include infrastructure development and the construction of seven remaining stations and the Scranton Yard Facility. The non-MOS includes the construction of seven (7) new stations, an overnight train storage yard in Scranton, and a maintenance-of-way facility in Greendell, NJ, 20.7 miles of new track, and in Pennsylvania, approximately 60 miles of track will be improved for shared use with freight. If both phases are completed, the Lackawanna Cut-Off Passenger Rail Service Restoration Project would provide service over 133 miles of railroad infrastructure from Scranton, PA to either Hoboken, NJ/Midtown Manhattan.

Taken together, the EA and Supplemental EA evaluated the full-length 133-mile corridor and this FONSI covers both the MOS and the non-MOS and incorporates all of the relevant information from the FONSI for the MOS which was issued on September 12, 2008. Taken together, we have determined that there will be no significant impacts on either segment, or on both segments combined. A list of the appendices to this FONSI is provided at the end of this document.

2. PROJECT PURPOSE AND NEED

The purpose of the Project is to implement a passenger rail service between Hoboken, NJ/midtown Manhattan and Scranton, PA. The Project will utilize existing transportation rights-of-way thus limiting environmental impacts while benefiting the region's economy by providing a new modal option for travelers. The Project will improve access to employment centers and increase transit usage in the corridor so that the region can proactively address its existing travel concerns and projected growth.

3. PROJECT DESCRIPTION

The Project comprises the following elements:

1. Construction of one station and parking facility in Andover, NJ;
2. Construction of 28 miles of new railroad infrastructure (track, signals, communications and grade crossing improvements) on existing right of way in NJ between Port Morris and Delaware River; and
3. Rehabilitation of the Roseville Tunnel.
4. Construction of seven stations and parking facilities in Scranton, PA, Tobyhanna, PA (Coolbaugh, PA), Pocono Mountain (Coolbaugh, PA), Analomink, PA, East Stroudsburg, PA, Delaware Water Gap, PA, and Blairstown, NJ;
5. Construction of a yard facility in Scranton, PA;
6. Construction of a Maintenance-of-Way Facility in Greendell, NJ;
7. Upgrade of 60 miles of infrastructure in PA; and,
8. Rehabilitation of Delaware River Bridge and Paulins Kill Viaduct.

With the completion of the non-MOS, the Project finalizes the construction of the rail service restoration project and results in the implementation of two service patterns:

- Trains will operate from Scranton, PA to Hoboken, NJ as one service pattern. This service is a one-seat ride from Scranton through to Hoboken. Trains running on this service will operate on tracks installed during the non-MOS (Scranton, PA to Andover, NJ) as well as those installed as part of the MOS (Andover, NJ to Port Morris, NJ).
- Trains will operate from Andover, NJ to Midtown Manhattan. Passengers traveling from Scranton to Midtown will transfer at Andover Station or stations east of Andover to a Manhattan-bound dual-mode vehicle that can operate over non-electrified tracks as well as through the Hudson River tunnels.

4. AGENCY COORDINATION AND PUBLIC OPPORTUNITY TO COMMENT

A comprehensive public involvement program was an integral component of the development of the EA and Supplemental EA for the Project. A Technical Advisory Committee (TAC) was created to provide a forum for ongoing communication with representatives of regulatory and review agencies, state and county planning agencies, and regional authorities, and elected officials. The TAC met on 14 occasions to discuss the Lackawanna Cut-Off Passenger Rail Service Restoration Project. Numerous supplemental meetings were held with selected TAC members as appropriate.

Correspondence, conference calls, and/or coordination meetings were conducted with federal, state, and regional resource agencies: the U.S. Army Corps of Engineers (USACE), U.S. Department of the Interior (USDOJ), the NJ State Historic Preservation Office (NJSHPO), the PA Bureau for Historic Preservation (PASHPO), the PA Game Commission, the PA Fish and Boat Commission, the PA Department of Conservation and Natural Resources, the U.S. Environmental Protection Agency (USEPA), the National Park Service (NPS), the U.S. Fish and Wildlife Service (USFWS) and the NJ Department of Environmental Protection (NJDEP). Meetings with municipal representatives were conducted during the selection of the stations and the development of a conceptual site plan.

4.1 PUBLIC OPPORTUNITY TO COMMENT ON THE SUPPLEMENTAL EA

Public Opportunity to Comment on the Supplemental EA

FTA issued a Supplemental EA on June 11, 2009. NJ TRANSIT advised the public of the availability of the Supplemental EA, and where information concerning the Lackawanna Cut-Off Passenger Rail Service Restoration Project could be obtained. The public comment period was from June 11, 2009 to July 17, 2009. Notifications appeared in area newspapers and were sent to those on the Project mailing list; CD's were sent to relevant agencies and officials, and the Supplemental EA was made available for viewing online and at area libraries. The public had an opportunity to review and comment on the Supplemental EA, and NJ TRANSIT has responded to these comments in Appendix A of this FONSI.

Comments on the Supplemental EA

During the public comment period, 18 comments were received on the Supplemental EA. Of these 18 comments, 9 expressed support for the Project citing a variety of quality of life issues that would be improved through the implementation of the project. Nine additional comments

questioned air quality, the cost of the project, cultural resources, station locations, future development, ecology, and freight.

See Appendix A to this FONSI for a summary of the comments received on the Supplemental EA, responses to those comments, and the full text of the comments.

4.2 PUBLIC OPPORTUNITY TO COMMENT ON THE EA

Public Opportunity to Comment on the EA

FTA issued the EA on July 1, 2008. NJ TRANSIT advised the public of the availability of the EA, and where information concerning the Lackawanna Cut-Off Passenger Rail Service Restoration Project could be obtained. The public comment period was from July 1, 2008 through July 30, 2008. Two public meetings were held on July 10 (in Andover, NJ) and July 15 (in Stroudsburg, PA) to present the contents of the EA. Notifications appeared in area newspapers and were sent to those on the Project mailing list; CD's were sent to relevant agencies and officials, and the EA was made available for viewing online and at area libraries prior to the meetings. The meetings were attended by nearly 200 individuals. The public had an opportunity to review and comment on the Project, and NJ TRANSIT responded to comments related to the MOS as well as general comments on the entire Project within Appendix A of the FONSI issued on September 12, 2008 for the MOS. NJ Transit did not respond to comments on the non-MOS at that time, knowing that a Supplemental EA on the MOS would be issued. NJ TRANSIT responded to comments related to the non-MOS as well as general comments on the entire Project within Appendix W of the Supplemental EA, issued on June 11, 2009. We received 121 comments following publication of the EA; 57 comments addressed the MOS portion of the Project and 64 comments addressed the non-MOS portion. These comments were addressed in two separate appendices to the September 12, 2008 FONSI and are appended hereto as Appendices B and C.

Comments on the EA related to the MOS

During the public comment period, the 57 MOS comments were submitted via stenographer record, e-mails, and letters. Of these 57 comments, 29 expressed unconditional support for the project, citing a variety of quality of life issues that would be improved through the implementation of the project. An additional six (6) comments expressed support for the project but also expressed a desire for the project to extend beyond the MOS phase and connect through to Warren County and to Pennsylvania as quickly as possible. Additional comments questioned the environmental assessment process and timing of the wetland and threatened and endangered studies, the relationship between the project and the Highlands Protection Act, the need for the project, the size of parking areas at stations, the locations of stations as well as the alignment, traffic associated with the stations, air quality associated with the train and driving to stations, the possibility of having express trains and shuttles to/from stations, water quality, noise impacts, development pressures, concern that the alignment would be used for freight trains carrying garbage, desire for a rail trail, and access to an existing trail.

As a result of the EA comments, NJ TRANSIT made the following commitments:

1. With regard to the Highlands Trail, a hiking trail currently being established through Byram Township, NJ TRANSIT commits to work with Byram Township to evaluate

potential options for a safe and feasible crossing of the Lackawanna Cut-Off right-of-way.

2. With regard to mitigation for wetland impacts along the railroad alignment in Byram Township, NJ TRANSIT commits to incorporating mitigation at Lake Lackawanna and along the Lubbers Run corridor in Byram Township as a first priority, pursuant to approval by the Federal and State regulatory authorities during the permit application process.

See Appendix B of this FONSI (previously Appendix A of the September 12, 2008 FONSI) for a summary of the comments received on the EA, responses to those comments, and the full text of the comments.

Comments on the EA related to non-MOS

During the public comment period, 64 comments that either were general in nature or specifically related to the non-MOS were submitted via stenographer record, e-mails, and letters. Of these 64 comments, 29 expressed support for the project (also included in the MOS FONSI), citing a variety of quality of life issues that would be improved through the implementation of the project. An additional six (6) comments expressed support for the project but also expressed a desire for the project to extend beyond the MOS phase and connect through to Warren County and to Pennsylvania as quickly as possible. The remaining 29 comments raised issues such as the environmental assessment process and timing of the wetland and threatened and endangered studies, the relationship between the project and the Highlands Protection Act, the need for the project, the size of parking areas at stations, the locations of stations as well as the alignment, traffic associated with the stations, air quality associated with the train and driving to stations, the possibility of having express trains and shuttles to/from stations, water quality, noise impacts, development pressures, and concern that the alignment would be used for freight trains carrying garbage, desire for a rail trail, and access to an existing trail.

See Appendix C of this FONSI (Formerly Appendix W of the September 12, 2008 FONSI) for a summary of the comments received on the EA (non-MOS or general comments), responses to those comments, and the full text of the comments.

5. ENVIRONMENTAL FINDINGS

The Supplemental EA and EA provided an analysis on twenty environmental issue areas. Following is a summary of the analysis performed for each of those twenty issue areas, and mitigation for impacts that were identified within those areas.

The analysis performed in the Supplemental EA and EA has concluded that the Project will result in only limited impacts to these environmental issue areas, all of which will be mitigated as outlined in the following paragraphs. Unless otherwise specified as MOS or non-MOS, the following description of environmental findings is for the Project. Specific mitigation will be implemented in the areas of noise, historic resources and wetland resources. The list of mitigations and environmental commitments is located in Appendix F of this FONSI.

5.1 LAND USE, ZONING, AND CONSISTENCY WITH LOCAL PLANS

The Project will not result in any impacts on land use, zoning, or public policy. Construction of the Project will aid in achieving the goals and objectives of the New Jersey State Development and Redevelopment Plan and the Highlands Region Master Plan. In Pennsylvania, the project is specifically supported by the Pennsylvania Long Range Transportation Plan 2000-2025 and The Pennsylvania Statewide Passenger Rail Needs Assessment. The proposed project is consistent with all other state, county and local plans in New Jersey and Pennsylvania.

In New Jersey, NJ TRANSIT, as a state agency, is not bound by local zoning. However, NJ TRANSIT typically confers and coordinates all proposed actions with local municipalities and will coordinate and confer with the affected municipalities.

In Pennsylvania, NJ TRANSIT, as the operator of the proposed passenger rail service and the owner of the proposed station sites, is subject to local zoning regulations. However, with the exception of Pocono Mountain Station, all station areas and the Scranton Yard facility conform to local zoning or are permitted via the issuance of a conditional use permit. The development of Pocono Mountain Station will require coordination with the Coolbaugh Township Board of Supervisors, but as no project-induced development is anticipated to occur proximate to the proposed station site and the rail service restoration project is supported by local and state plans, substantial zoning changes and associated impacts are not anticipated as a result of the siting of this station.

As a result there are no significant impacts with regard to land use, zoning, and consistency with local plans.

5.2 LAND ACQUISITIONS AND DISPLACEMENTS

The MOS does not require any land acquisitions. The non-MOS requires the full or partial acquisition of 11 properties, totaling 20.19 acres, at the following proposed station sites and yard:

1. Scranton Yard Facility (0.68 acres)
2. Pocono Mountain (5.9 acres)
3. Tobyhanna (1.74 acres)
4. Analomink (6.5 acres)
5. East Stroudsburg (1.63 acres)
6. Delaware Water Gap (0.39 acres)
7. Blirstown (3.35 acres)

Seven of the properties to be acquired are currently owned by public agencies and authorities who are partners in the project. The other four properties are in private ownership. As discussed below in the section pertaining to wetlands, in the event that onsite restoration of impacted wetlands cannot be accommodated within the footprint of the right-of-way or stations, property will be acquired as part of wetlands mitigation in conformance with Federal and State permit requirements.

Property will be acquired at fair market value via negotiations or condemnation pursuant to 49 CRR Part 24 “Uniform Relocation Assistance and Real Property Acquisition Regulations for Federal and Federally Assisted Programs.”

5.3 COMMUNITY FACILITIES AND PARKS

5.3.1 Community Facilities

The Project will not introduce a new residential population; therefore, existing community facilities will be sufficient to efficiently provide protection and service. Community facilities include emergency services, recreational, cultural, and educational resources. The Project will not impede or otherwise compromise access to these facilities.

There will be less than a one minute increase in the response times of emergency services due to the Project. There are 23 pedestrian and vehicular grade crossings in the Project for which this will be a consideration, one in the MOS and 22 in the non-MOS, as follows:

MOS

1. Brooklyn Road, Stanhope, Sussex, NJ

Non-MOS

1. Private Crossing, Scranton, Lackawanna, PA
2. Pedestrian Crossing, Scranton, Lackawanna, PA
3. Pedestrian Crossing, Scranton, Lackawanna, PA
4. Pedestrian Crossing, Scranton, Lackawanna, PA
5. Pedestrian Crossing, Scranton, Lackawanna, PA
6. Myrtle Street, Scranton, Lackawanna, PA
7. Lehigh Road, Covington, Lackawanna, PA
8. Main Street, Route 507, Gouldsboro, Wayne, PA
9. Church Street, Route 423, Coolbaugh Township (Tobyhanna), Monroe, PA
10. Summit Avenue, Coolbaugh Township, Monroe, PA
11. Devil’s Hole Road, Paradise Township, Monroe, PA
12. Henry’s Road, Paradise Township, Monroe, PA
13. Browns Hill Road, Paradise Township, Monroe, PA
14. Stokes Avenue, East Stroudsburg, Monroe, PA
15. N. Courtland Street (Route 209), East Stroudsburg, Monroe, PA
16. Burson Street, East Stroudsburg, Monroe, PA
17. Broad Street, East Stroudsburg, Monroe, PA
18. Analomink Street, East Stroudsburg, Monroe, PA
19. Station Pedestrian Crossing, East Stroudsburg, Monroe, PA
20. Forge Road, East Stroudsburg, Monroe, PA
21. River Road (Tinkertown Road), Smithfield Township, Monroe, PA
22. Wolfs Corner Road, Route 611, Green Township, Sussex, NJ

The short time (less than one minute) that it will take for eight-car passenger trains to pass through a grade crossing, coupled with the limited frequency of service, will result in no significant impacts.

NJ TRANSIT will continue to work with the local municipalities to develop appropriate grade crossing protection measures and spread awareness regarding the new rail service to emergency service providers and school bus operators.

5.3.2 Parks

Two parks are located in the study area of the MOS, both in Byram Township: the Carol O. Johnson Municipal Park and an unnamed/undeveloped municipal park, north of Brookwood Road. Both parks are 100 feet or more from the alignment and would not be impacted by the project.

Eleven parks have been identified adjacent to or in close proximity to the Project, as follows: Steamtown National Historic Site, Scranton, PA; University of Scranton Fields, Scranton, PA; Nay Aug Park, Scranton, PA; South Main Street Playground, Elmhurst, PA; Gouldsboro State Park/Tobyhanna State Park, Gouldsboro/Tobyhanna, PA; municipal park, South Kistler Street, E. Stroudsburg, PA; Smithfield Township Park, Route 45067, Delaware Water Gap, PA; Delaware Water Gap National Recreation Area, Slateford/Delaware Water Gap, PA; Knowlton Park, NJ Route 94, Columbia, NJ; Undeveloped Johnsonburg Swamp, Ramsey Road/Dark Moon Road, Frelinghuysen Township, NJ; and Andover Borough Park, County Route 517, Andover, NJ.

The proposed project will not result in any takings of parks, thereby not causing any direct impacts. There will not be any permanent or temporary uses of parks. In addition, the project will not alter the use of the parks and would not preclude any of the activities that currently take place at the parks along the alignment. Access to the parks will not be altered by the project, and with the grade crossing improvements discussed under the “noise” heading, none of the parks will be severely impacted by noise per FTA noise guidelines. Furthermore, most of the parks are bordered by tall trees, bushes, vegetation, and rolling topography that will help to shield the rail service from view.

During public comment, Byram Township noted a trail that is currently being developed through the community within the vicinity of the MOS. Byram Township expressed concern relative to the Highlands Trail. Through consultation with Byram Township and the Sussex County Planning Department, it was determined that no adopted plan is currently in place relative to the Highlands Trail and any potential crossing or interface with the Lackawanna Cut-Off. Upon further research it was determined that this trail, the Highlands Trail, currently follows County Route 607, crossing the railroad alignment through an existing tunnel. No formal agreement is in place with the County for use of this road. Presently, Byram Township has no specific plans for rerouting the trail and has requested that NJ TRANSIT work with the community to identify a permanent location for the trail’s crossing of the alignment. The planning process has not progressed to the point of identifying a location where the Highlands Trail may cross the Cut-Off. NJ TRANSIT is committed to working with Byram Township to evaluate potential options for a safe and feasible crossing of the Lackawanna Cut-Off right-of-

way. The alignment's crossing of County Route 607 and the trail will not change as a result of this project, and the trail will not be affected by implementation of the Project.

The Highlands Trail is under the stewardship of the New York-New Jersey Trail Conference. The Highlands Trail is an estimated 150-mile long distance hiking trail connecting the Hudson and Delaware Rivers. This trail is not publicly owned and thus is not subject to Section 4(f).

As a result there are no significant impacts with regard to community facilities and parks.

5.4 HISTORIC RESOURCES

Historic and archaeology resources were analyzed pursuant to Section 106 of the National Historic Preservation Act (NHPA). See Section 5.5 for the archaeology discussion. The analyses considered eligible and listed resources on the National Register of Historic Places, the effect of the Project on these resources, and mitigation.

The MOS will alter four historic resources, (one of which is also in the non-MOS); the non-MOS will alter ten (10) historic resources (one of which is also in the MOS). In total, the project would alter a total of thirteen (13) historic resources.

The following four historic resources will be altered as a result of the MOS; however, these alterations will be consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties (36 CFR part 68) and applicable guidelines:

1. Delaware, Old Main DL&W Railroad Historic District – an eligible district extending from Hoboken Terminal to Washington in Warren County, then following the historic route of the Warren Railroad to the Delaware River;
2. Roseville Tunnel – a contributing resource to the Lackawanna Cut-Off, the Roseville Tunnel is a 1,024-foot long, double-track tunnel 132 feet below the surface that is partially concrete lined; and,
3. Port Morris Interlocking Tower – located in Port Morris Yard, the tower is potentially eligible for contributing to the Lackawanna Cut-Off.
4. Delaware Lackawanna and Western (Lackawanna) Cut-Off – a 28-mile eligible rail alignment between the Delaware River and Port Morris;

The following ten (10) historic resources will be altered as a result of the non-MOS; however, these alterations will be consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties (36 CFR part 68) and applicable guidelines:

1. Delaware Lackawanna and Western (Lackawanna) Cut-Off – a 28-mile eligible rail alignment between the Delaware River and Port Morris (also included above in MOS);

2. Delaware, Lackawanna and Western (Lackawanna) Railroad Route from Scranton, PA to the Delaware River Bridge– an eligible district extending from Scranton, PA to the Delaware River Bridge;
3. DL&W Railroad Bridge 60;
4. DL&W Interlocking Tower;
5. Delaware River Bridge – a nine-span, 1,450 feet long concrete arch, spanning the Delaware River between New Jersey and Pennsylvania;
6. Paulins Kill Viaduct – a contributing resource to the Lackawanna Cut-Off, the Paulins Kill Viaduct is a 938-foot long, seven-span concrete arch;
7. Pequest Fill – a contributing resource to the Lackawanna Cut-Off;
8. Coursen Fill – a contributing resource to the Lackawanna Cut-Off;
9. Blairstown Station and Freight House; and,
10. Greendell Station Complex (includes Greendell Interlocking Tower and Station);

The Project will not change the character or original intended use of an historic resource and will not change physical features within the property's setting that contribute to its historic significance. No visual, atmospheric or audible elements that diminish the integrity of any historic resources and its major historic features will be introduced as a result of the Project. The Project will not cause the neglect of a property, which will cause its deterioration. In addition, the Project will not transfer, lease, or sell an historic property out of Federal or state ownership or control without adequate and legally enforceable restrictions or conditions to ensure the long-term preservation of the property's historic significance.

A Programmatic Agreement has been executed among the FTA, PA SHPO, NJ SHPO and NJ TRANSIT documenting the analyses, stipulations and mitigation measures required to maintain no adverse effect on the listed historic resources identified in the project area. The Project will have no adverse effect on these resources in accordance with the stipulations defined in the Programmatic Agreement. Construction activity within the project area will abide by the stipulations and mitigation measures set forth in the Programmatic Agreement, a copy of which is presented in Appendix D of this FONSI. As a result there are no significant impacts with regard to historic resources.

During public comment, the NJ SHPO noted that the right-of-way of the Morris Canal runs below the Lackawanna Cut-Off right-of-way, adjacent to the Port Morris yard. Although not included in the Area of Potential Effect (APE) due to its location outside of an area where constructive activity is anticipated, the Morris Canal is noted due to its listing as a National Historic Landmark, listed on the New Jersey and National Registers of Historic Places. Completed in 1837, the Morris Canal was an engineering landmark that relied on canals, locks

and inclined planes to lift and carry canal boats from Phillipsburg on the Delaware River to Jersey City, the Hudson River and New York Harbor. Port Morris yard was built along the Morris Canal as a storage point for anthracite coal. When the DL&W began operations, the tracks ran within a few hundred feet of the canal. Until the demise of the Morris Canal, the Port Morris Coal Docks served as one of eight transshipment facilities along the waterway. As noted in the Historic Architectural Resources Background Study (HARBS) (dated May, 2006 and included in Appendix C of the July 2008 EA), the former right-of-way of the Morris Canal is currently filled in and has been reused as Canal Street, which borders the Port Morris Rail Yard along its northwest boundary. The right-of-way of the Morris Canal also crosses beneath the alignment northeast of the Port Morris Yard, east of Center Street.

To avoid potential impacts to below-grade resources associated with the Morris Canal right-of-way during construction, NJ TRANSIT will require that contractors not do earthwork associated with temporary construction areas or laydown areas within the Morris Canal right-of-way. Additionally, should any project-related subsurface work be required in the vicinity of the Morris Canal right-of-way, NJ TRANSIT and the SHPO shall consult to address: 1) the effects of the proposed plan or design modification; 2) the actions needed to avoid, minimize, or mitigate adverse effects; and 3) a mitigation plan, if necessary.

Additionally, since the SHPOs have concurred that the Project would have no adverse effect on the noted historic resources so long as implemented in accordance with the PA, the project will result in a finding of *de minimis* impact on lands protected by Section 4(f) per Section 6009(a) of SAFETEA-LU (dated August 10, 2005). Section 4(f) *de minimis* finding was made in the FONSI dated September 12, 2008, and the requirements are thereby satisfied.

5.5 ARCHAEOLOGY

The MOS has the potential to impact archaeological resources at one station site – Andover. The non-MOS has the potential to impact archaeological resources at 6 station sites – Scranton, Tobyhanna, Pocono Mountain, East Stroudsburg, Delaware Water Gap, and Blirstown; as well as the Greendell Maintenance-of-Way Facility, and the Scranton Yard. There will not be impacts at the Analomink Station site as it does not retain either pre-contact or historic period archaeological sensitivity.

None of the proposed station sites or maintenance facilities included in the Project have been subject to prior archaeological field testing, due to the lack of previous subsurface activity at these sites, and as such, no historic period archaeological sites have been recorded within the boundaries of any of these parcels. However, based upon research and site walkovers conducted for this study, the properties listed above were determined to have historic period archaeological sensitivity, due to former uses of the properties during the nineteenth century.

Archaeological impacts, if any, will be mitigated in accordance with the Programmatic Agreement (Appendix D of this FONSI and formerly Appendix B of the September 12, 2008 FONSI) as follows:

1. Soil borings that will be available during the engineering phase will be reviewed by accredited archeologists to determine if there are potential archeological resources

present. Analysis of the soil borings may eliminate the need for a Phase 1B testing program.

2. If, as a result of the soil boring review by accredited archeologists, there is deemed a potential presence of archeological resources, then a Phase 1B archeological investigation will be conducted by accredited archeologists during the engineering phase at the applicable station site.
3. If Phase 1B investigations reveal the presence of resources, further archeological evaluation will be performed by accredited archeologists and will be mitigated in consultation with the appropriate SHPO.

In the event that previously non-recorded archeological resources are encountered during construction, all such activities will halt in the subject area pending investigation and review by the accredited project archeologist. Upon the archeologist's consultation with the SHPO in accordance with the project Programmatic Agreement discussed above, construction activities may resume as modified by the results of such consultation. These responses are further characterized in the project Construction Environmental Control Plan.

As a result there are no significant impacts with regard to archaeology.

5.6 VISUAL

As a result of topography, adjacent land uses and overall distance, the construction of the stations and maintenance facility/yard will not obstruct view corridors to / from visual resources and nearby residential areas.

Best Management Practices will be utilized during project construction to minimize any minor impact to sensitive resources in the corridor. Best Management Practices will include using screened staging areas within the existing right-of-way wherever possible.

As a result there are no significant impacts with regard to visual resources.

5.7 TRANSPORTATION

5.7.1 Traffic

A traffic analysis was conducted at each of the station locations to determine the impacts of the Project, using standard Level of Service (LOS) analysis, with A being the best condition and F being the worst. Impacts were identified at intersection approaches near stations where traffic conditions deteriorate from the No Build condition to the Build condition, due to conditions worsening from acceptable levels (D or above) to E or F, or in some cases where conditions are at LOS F under the No Build and Build conditions.. Impacts were identified at one station in the MOS, at the Andover Station, and at five stations in the non-MOS, Tobyhanna, Pocono Mountain, East Stroudsburg, Delaware Water Gap, and Blairstown. Below is a summary of impacts for intersection approaches that are at LOS E or F. Detailed information is contained in the EA.

Andover. During the AM peak hour, the eastbound approach at the Route 206/Route 517 intersection will be at LOS F under Existing, No Build, and Build conditions. During the PM peak hour, the eastbound approach at the Route 206/Route 517 intersection will operate at LOS F under No Build and Build conditions. The westbound approach at the Route 206/Route 613 intersection will deteriorate from LOS D under the No Build Condition to F under the Build Condition.

Tobyhanna. During the AM peak hour one approach (the eastbound left turn) at the intersection of PA 611 and PA 423 operates at LOS F under Existing, No Build and Build Conditions. With mitigation, this approach will operate at LOS B.

Pocono Mountain. During the AM and PM peak hours numerous approaches at the two intersections analyzed (PA 611/PA 196/PA 940 and PA 611/PA 940) operate at LOS E or F under existing, No Build, and Build conditions. With mitigation, during the AM peak hour, one approach at the intersection of PA 611/PA 940 will improve from LOS F to E; and one approach will deteriorated from LOS D to F. With mitigation, during the PM peak hour, two approaches at the PA 611/PA 940 intersection deteriorates from LOS D to E and one approach improves from LOS F to D.

East Stroudsburg. During the AM peak hour, one approach at one intersection deteriorates from LOS B under the Build Condition to LOS E under Build conditions. At another intersection, LOS at one approach remains at LOS F under the No Build and Build conditions. During the PM peak one approach at one intersection deteriorates from LOS D under the No Build condition to LOS F under the Build condition. With mitigation, conditions improve at approaches to two of the intersections which previously had approaches operating at LOS F.

Delaware Water Gap. During the AM peak hour one approach at one intersection operates at LOS F under No Build and Build conditions. With mitigation, all approaches improve to LOS D or better.

Blairstown. During the AM and PM peaks, approaches operated at LOS E and F. With mitigation, all approaches operate at LOS C or better.

The mitigation measures noted above include physical improvements such as additional signage, changes to traffic signal timing, and geometry modifications, which will be implemented as necessary. The traffic analysis results presented in Section 3.7 of the June 2008 EA determined that traffic impacts at four (4) of the new stations will require mitigation.

The use of the following mitigation measures would mitigate the traffic impacts at the four following stations:

1. Tobyhanna: PA Route 423 eastbound (AM Peak) and westbound (PM Peak) at Route 611 – Signal timing change from 95 to 60 second cycle;
2. Pocono Mountain: PA Route 611/ Route 196 at PA Route 940 (AM and PM Peak) – signal timing change from 100 to 150 second cycle;

3. East Stroudsburg: Crystal Street at Analomink (PM Peak) – Geometry modification and installation of a two-phase, 100-second cycle traffic signal; and,
4. Delaware Water Gap: Interstate 80 ramp at PA Route 2028 – Retime traffic signal with two-phase, 80-second cycle (AM) and 70-second cycle (PM) and traffic signal warning flasher sign on off ramps.

The traffic analysis also determined that the intersections affected by the proposed Andover Station would not result in significant traffic impacts over the No Build Condition. The new intersection of Roseville Road and the proposed station access driveway will have a LOS of A in the AM Peak Hour and A/B in the PM Peak Hour, indicating that Roseville Road will not be impacted by commuters accessing or leaving the station. Therefore there will be no need for any mitigation related to the station and/or to Roseville Road.

Meetings and discussions have occurred with the affected municipalities throughout the planning process to discuss the traffic assessment methodologies and findings. NJTRANSIT will work with the affected agencies through the design phase to ensure a coordinated effort on incorporating mitigation.

5.7.2 Pedestrians

Pedestrian activity will increase near the stations, particularly where patrons will walk from the rail platform to their cars or local destinations. Sufficient lighting and secure pedestrian passages will be provided to safely direct patrons from the train to their cars. Pedestrian accommodations were a consideration in the development of station plans for the Project. Pedestrian elements include appropriately placed sidewalks, lighting and signage. All pedestrian facilities will be fully compliant with the Americans with Disabilities Act (ADA).

5.7.3 Parking

New parking spaces will be provided at the proposed stations listed below to accommodate the estimated demand. The MOS and the non-MOS would provide the following station parking:

- Scranton Yard: 30 spaces
- Scranton: 30 spaces
- Tobyhanna: 102 spaces
- Pocono Mountain: 1,000 spaces
- Analomink: 250 spaces
- East Stroudsburg: 228 spaces
- Delaware Water Gap: 900 spaces
- Blirstown: 243 spaces
- Andover: 65 spaces (with MOS) and 60 with non-MOS for total of 125

Therefore, the non-MOS will not result in any impact on the supply of existing parking spaces in the study area nor does the non-MOS rely on other projects for meeting its parking demand.

5.7.4 Transit

A number of public and transit providers operate service in the study area. The County of Lackawanna Transit System (COLTS) provides local bus service in the Scranton metropolitan area. Monroe County Transit provides bus service throughout Monroe County. NJ TRANSIT provides local bus and community shuttle services in Warren and Sussex Counties.

Several interstate bus services operate between northeastern Pennsylvania, northwestern New Jersey and New York City. These routes service park-and-ride lots and town centers, then run express via Interstate 80, terminating at the Port Authority Bus Terminal (PABT) in Manhattan. This interstate service is generally oriented to commuters, and offers more bus service during the rush hours. Martz/Trailways and Greyhound are the major providers of private intercity bus service in the region and have bus park-and-ride lots located in several places throughout the counties. The intercity bus terminal in Scranton (Martz and Greyhound) is currently located across Lackawanna Avenue from the proposed station site.

The Project will provide a new public transportation option for the study area in the future as demand exceeds capacity for bus service and travel times increase. Coordination between area transit operations and the project operations will continue. As a result, transit service is expected to substantially improve.

5.8 AIR QUALITY

The project area is located in a non-attainment area for ozone and PM_{2.5}. As a result, the project was analyzed for transportation conformity and NAAQS. Air quality was examined on the microscale (local) and mesoscale (regional) level to assess potential impacts resulting from both mobile and stationary sources. A worst-case scenario study examined the locations within the non-MOS that had the potential to generate the greatest quantity of air pollutants measured by traffic volume or parking capacity, with the assumption that locations with lower traffic volume or fewer parking spaces would generate less pollution.

The location chosen was the intersection of PA Route 611 and PA Route 940 in Pocono Mountain, PA, with a PM peak hour volume in the Build scenario estimated to be approximately 6,265. The maximum predicted concentrations for CO, PM₁₀ and PM_{2.5} comply with the corresponding mobile and stationary standards for each pollutant. As a result, the Project will not adversely impact air quality at the local level.

A regional level analysis was performed for the full Build Alternative (MOS and non-MOS) to Scranton. A portion of commuters is projected to switch modes from automobile to rail service, reducing regional auto VMT, and consequently, the quantities of vehicular-emitted pollutants. However, new emissions resulting from locomotives will negate some of the benefits of reduced vehicle emissions. The net effects are a slight increase in NO_x, PM₁₀ and PM_{2.5} emissions (0.030, 0.001, and 0.001 tons/day respectively) and a slight reduction in CO and HC emissions (0.754 and 0.043 tons/day respectively).

This Lackawanna Cut-Off Passenger Rail Service Restoration Project was analyzed in the Northern New Jersey Air Quality Conformity Determination. It was demonstrated that each

non-attainment area or maintenance area in the NJTPA region passes the appropriate budget test. This Conformity Determination was approved by NJTPA Board of Trustees on May 12, 2008.

Subsequent to the public distribution of the EA, the Board of Trustees for the North Jersey Transportation Planning Authority adopted the FY 2009 – 2012 TIP, dated July 29, 2008. The Lackawanna Cut-Off Rail Service Restoration Project, DBNUM T535 was included in this TIP for FY 2009, and thus will continue to be included in the Northern New Jersey Air Quality Conformity Determination.

The following measures will be implemented during construction and operation to reduce particulate matter and NOx emissions:

1. Options to purchase new locomotives that meet or exceed USEPA's emission standards;
2. Retrofit and/or rebuild of older locomotives to achieve a better air quality rating;
3. Re-powering equipment with generator set/hybrid technology; and,
4. Use of cleaner diesel fuel or alternative fuel.

As a result there are no significant impacts with regard to air quality.

5.9 NOISE AND VIBRATION

5.9.1 Noise

Impacts on noise are categorized as moderate or severe. Mitigation measures must be proposed when a project will result in severe impacts. No mitigation measures are required for moderate impacts. As described below, the mitigation measures for severe impacts to be implemented with the Project will result in the Project causing only moderate impacts.

With the MOS, the Project will cause approximately 82 residences to be moderately impacted by the MOS, and five (5) residences to be severely impacted. With the non-MOS, approximately 366 residences will be moderately impacted, and 33 residences will be severely impacted. With the mitigated measures below, there will be no severe impacts to residences and less moderate impacts to residences. The mitigations for the noise impacts are as follows:

1. The implementation of a Quiet Zone at the Brooklyn Road grade crossing in Stanhope, NJ would eliminate all of the MOS's five (5) severe impacts and 57 moderate impacts (leaving 25 moderately impacted residences).
2. The implementation of Quiet Zones at the following six (6) grade crossings would eliminate all of the non-MOS's 33 severe impacts, and 125 moderate impacts (leaving 241 moderately impacted residences):
 - a. Stokes Avenue (Gravel Place) in East Stroudsburg, PA;
 - b. North Cortland Street in East Stroudsburg, PA;

- c. Burson Street in East Stroudsburg, PA;
 - d. East Broad Street in East Stroudsburg, PA;
 - e. Analomink Street in East Stroudsburg, PA; and
 - f. Wolf's Corner Road in Green Township, NJ.
3. As required by the Federal Railroad Administration (FRA), the county/municipality will be required to petition the FRA for Quiet Zone designations, in accordance with FRA's Interim Final Rule on the Use of Locomotive Horns at Highway-Rail Grade Crossings (49 CFR Part 222 and 229). The Project will provide funding for support of the application, design and installation of the Quiet Zone safety measures. Initial conversations with East Stroudsburg (04/17/03, 05/20/04), Green Township (03/26/03, 05/13/04), and Stanhope (06/10/03, 05/07/04, 6/22/08) have indicated their desire to have a Quiet Zone incorporated into the project.
 4. The implementation of Quiet Zones depends on the physical condition of the grade crossing. The intersecting roadway must be sufficiently wide and the sight lines appear to be adequate for four-quadrant gates and median barriers. Should it be determined during the engineering phase that the installation of a Quiet Zone at any grade crossing listed above is not physically feasible, NJ TRANSIT is committed to adopting substitute measures to reduce noise, while still complying with FRA regulations. These measures include the use of directional horns at the grade crossing whose purpose is to direct noise down the roadway or the installation of noise-reduction windows in the homes severely impacted by the train noise. NJ TRANSIT commits to eliminating all impacts in the 'severe' range.

NJ Transit will not start construction of the Project until the Quiet Zones have been approved. In the event that Quiet Zone designations are not approved, NJ Transit will notify FTA and FTA will advise of what further NEPA review, if any, is necessary. NJ Transit will need to develop alternate mitigation measures prior to the commencement of construction.

5.9.2 Vibration

The major existing source of vibration in the corridor is truck and bus traffic on local roads, and the existing freight rail operations on the corridor in Pennsylvania. A vibration assessment was performed according to the procedures and impact curves identified in FTA's Noise and Vibration Assessment guidelines. Using aerial photography and topographic maps, it was determined that no buildings in the Project study area were within the distances of potential impact, and therefore there will be no vibration impacts as a result of the MOS.

As a result, given that the Quiet Zone would be implemented, there are no significant impacts with regard to noise and vibration.

5.10 ENERGY

The projected indirect and direct energy expenditures of the MOS and non-MOS are marginal when compared to the overall statewide figures for New Jersey and Pennsylvania. The

increase in energy demand should be easily managed by existing New Jersey and Pennsylvania power resources.

Therefore, no mitigation is required and no significant impacts to energy will result.

5.11 SAFETY AND SECURITY

5.11.1 Project Corridor Safety

The FTA requires each state with fixed rail guideway transit systems to develop and implement a Safety and Security Program Plan (SSPP) standard (*State Safety Oversight of Rail Fixed Guideway Systems*, 49 CFR, Part 659). The State of New Jersey requires each rail transit system within the State to develop and implement an SSPP that meets the requirements of the state standard (*New Jersey Department of Transportation Fixed Guideway Safety Oversight Standard*, NJAC 16:53 E-4). The Project will follow all applicable state standards.

All grade crossings will be designed to adhere to the FRA guidelines that were promulgated in the recently released “Guidance on Traffic Control Devices at Highway-Rail Grade Crossings” (November 2002), and will be enhanced to include modern active gates, flashers and audible warnings, except where Quiet Zones have been approved for noise mitigation.

NJ TRANSIT, local railroad authorities and local municipalities, separately or in cooperation, will undertake a public information campaign or campaigns in the project area to brief local residents on the implementation of rail service and safety issues to bear in mind when in close proximity to the right-of-way. Such information campaigns have been successful in promoting safety in several major U.S. cities that recently have implemented new rail services.

5.11.2 Station Area Safety

Vehicular traffic will increase in the vicinity of the proposed stations, particularly as the stations introduce turning movements from roadways into and out of the proposed parking lots. Physical improvements, such as additional signage, will be implemented as necessary. Pedestrian activity will increase as well, particularly where patrons will walk from the rail platform to their cars or local destinations. Within existing town centers, such as the Borough of East Stroudsburg, there is generally a network of sidewalks in place to guide pedestrian movement. At station locations outside existing town centers, sufficient lighting and secure pedestrian passages will be provided to safely direct patrons from the train to their cars.

5.11.3 Station Area Security

Currently, NJ TRANSIT police perform random patrols at all stations and along all rights-of-way in the NJ TRANSIT rail system. This practice will continue. In addition, NJ TRANSIT will work closely with municipal police departments along the project corridor to ensure that security needs are met.

Another area of security concern is the Scranton Yard Facility, where the passenger coaches will be stored and where maintenance will be performed. To ensure the personal safety of customers and the security of the facility and rolling stock, rail yard access will be stringently

controlled. Security measures include one or a combination of the following: security fencing; closed circuit camera monitoring; guard stations at vehicular and pedestrian entrances; positive identification requirements to enter; and other means as deemed necessary and useful.

As a result of the security measures discussed above, and through the adherence to regulations laid out by the FRA and the States of New Jersey and Pennsylvania, no impacts to safety and security will occur.

Although no impacts to safety and security will occur in association with the non-MOS, preventative measures enacted by NJ TRANSIT will help ensure a safe environment during construction and revenue service operation. Measures include a safety protocol; coordination between NJ TRANSIT police and local law enforcement for station area patrols; and the installation of modern active gates, flashers, and audible warnings at grade crossings.

As a result there are no significant impacts with regard to safety and security.

5.12 GEOLOGY, SOIL, AND TOPOLOGY

Given the limited construction activity required, permanent impacts to geology, soils and topography will not occur. Minor excavation and grading will temporarily disturb existing soils and vegetation at each proposed station and yard site; however, there will be no permanent impacts to geology, soils and topography

To mitigate temporary impacts associated with the development of the Project, a Soil Erosion and Sediment Control Plan will be developed during the engineering phase. Suitable excavation, construction and soil erosion techniques will be implemented during construction in coordination with county soil management district requirements.

As a result there are no significant impacts with regard to geology, soil, and topology.

5.13 WATER QUALITY

Impacts to water quality will be minimal due to the inherent nature of the project (i.e. reusing an existing railroad infrastructure). Reactivating rail service on the existing rights-of-way will require limited additional construction and will create minimal additional impervious surface above what already exists.

As a result of additional impervious surface from new stations and parking facilities causing an increase in stormwater runoff, there will be minimal impacts to water quality, located at the following proposed station and yard site(s) with the following amount of impervious surface:

MOS

1. Andover (1.06 acres)

Non-MOS

1. Scranton Yard (1.12 acres)
2. Scranton Station (0.23 acres)

3. Tobyhanna (0.95 acres)
4. Pocono Mountain (7.3 acres)
5. Analomink (2.2 acres)
6. East Stroudsburg (1.14 acres)
7. Delaware Water Gap (.97 acres)
8. Greendell Maintenance-of-Way Facility (0.5 acres)
9. Blairstown (1.87 acres)

Mitigation of water quality and quantity effects will first be directed towards avoidance, followed by minimization. Excess stormwater runoff resulting from impervious surfaces associated with the project will be mitigated through the use of wet ponds, stormwater infiltration or detention facilities and bio-retention Best Management Practices as outlined by the NJDEP Land Use Regulation Program and PADEP Office of Water Management.

A New Jersey Pollution Discharge Elimination System (NJPDES) water quality certificate will be obtained prior to MOS implementation for each stormwater management system pertaining to sites in New Jersey. Pennsylvania is in the process of developing its own state-administered stormwater management regulations.

A Section 402 National Pollutant Discharge Elimination System (NPDES) permit will be required if discharges are made into adjacent federally regulated surface waters in either New Jersey or Pennsylvania. Implementation of approved Soil Erosion and Sediment Control Plans/Water Encroachment and Obstruction Permits will minimize impacts to surface waters during construction.

As part of any permit approval (see Section 8 for discussion of permit needs), certain restrictions regarding construction activities located within migratory fish waterways will be required. Specifically, construction within such watercourses will most likely be prohibited between April 1 to June 30 and September 1 to November 30. The construction schedule will be developed accordingly.

Andover Junction Brook/Kymer Brook is classified as an NJDEP State Water Quality classified Category 1 (C1) stream, which according to the Stormwater Management Rules, has a 300-foot Special Water Resource Protection Area (SWRPA) within which construction should not occur. The conceptual design currently shows a portion of the proposed Andover Station within the SWRPA. Development is permitted within the SWRPA area for linear developments, unique hardships or disturbance within the outer 150 feet of the SWRPA if the area is already disturbed. The overall function and value of the SWRPA would need to be maintained or improved. An area of the station location appears to be used for all terrain vehicle access onto the existing right-of-way, with debris littering the area including old tires, construction debris and garbage. NJ TRANSIT would coordinate with NJDEP Land Use Program to determine if the project could qualify for a waiver for the C1 waterbody development regulations. During final design, and in coordination with NJDEP, the layout of the parking area could be modified to reduce the area within the SWRPA, and to maintain or improve the overall function and value of the SWRPA.

To comply with the Flood Hazard Area and Stormwater Management Rules, NJ TRANSIT will mitigate for any impacts within the SWRPA and riparian zone. Mitigation would be developed with NJDEP and may include conservation easements, removal of pavement, and planting trees.

As a result there are no significant impacts with regard to water quality.

5.14 WETLANDS AND STREAMS

The maximum (worst case) total impact to wetlands and other surface waters by the proposed project is 4.3 acres for the MOS and 1.52 acres for the non-MOS.

Freshwater wetland areas were initially identified adjacent to and within the right-of-way boundaries using the NJDEP Geographic Information Systems (GIS) freshwater wetlands mapping information and US Fish and Wildlife Services (USFWS) National Wetland Inventory (NWI) freshwater wetland mapping. A freshwater wetland assessment of the entire alignment was performed during which time additional unmapped linear wetland areas were identified crossing, parallel and within the existing right-of-way property boundaries. Field assessments were confirmed during site visits conducted in July 2007 and then wetland delineations performed in August, September, and October 2008, following the issuance of the EA. The results of this work are located in Appendix G of this FONSI for the MOS (formerly Appendix C of the September 2008 FONSI) and non-MOS (formerly Appendix S of the Supplemental EA).

5.14.1 Wetland Delineation Reports for the MOS and non-MOS

For the MOS, the proposed Andover Station location contains approximately 0.2 acres of small isolated linear wetland areas, and approximately 4.1 acres of wetland areas along the right-of-way. Within these 4.3 acres of the MOS, a total of 18 freshwater wetland areas were delineated. The wetlands delineated consisted of linear freshwater wetland and state open water complexes. The linear wetland complexes most likely developed where former railroad drainage swales functioned during active operation, generally where the existing right-of-way is located within an earth cut. Several complexes drain into adjacent freshwater wetland complexes and state open waters. Several of these wetlands are connected through reinforced concrete pipes beneath the right-of-way.

For the non-MOS, the 1.52 acres of wetland impact are spread over a total of 15 freshwater wetland areas that were delineated along the project right-of-way. The wetlands delineated consisted of linear freshwater wetland and deciduous wooded wetland complexes. The linear wetland complexes most likely developed where former railroad drainage swales functioned during active operation, generally where the existing right-of-way is located within an earth cut. Wetlands are located near the Tobyhanna Station and the Pocono Mountain Station. The Pocono Mountain Station would not impact the wetlands, and the size of the Tobyhanna Station parking lot was reduced to completely avoid delineated wetlands.

Coordination with Agencies Having Jurisdiction

Coordination with the USACE, USEPA, and NJDEP has been ongoing since January, 2007. Meetings were held in April, 2007 to discuss the potential impacts to wetlands and to agree on the methodology that would be used to estimate the extent of wetland impacts. Additional coordination meetings and conference calls were held between May and August 2007, with concurrence that wetlands would be delineated and mitigation measures developed during final design. At the later request of USEPA, wetland delineations were performed for the areas within the project area. These delineations were then forwarded to the USACE, the USEPA, and the USFWS.

The Region 2 USEPA determined in their letter dated August 28, 2008 (refer to Appendix E of this FONSI) that the additional analyses and commitment to implement appropriate mitigation was acceptable and that a FONSI for the MOS was appropriate. The USEPA's letter further emphasized that onsite compensatory wetlands mitigation is the preferable remedy for wetlands impacts, followed by off-site mitigation within the same watershed. Should the New Jersey five acre wetland threshold (currently at 4.3 acres) be exceeded, USEPA will review and comment on the New Jersey Major Discharge Permit application to ensure that impacts have been avoided and minimized to the maximum extent feasible. The USACE stated in their letter dated September 5, 2008 (refer to Appendix E) that based upon the FTA's more extensive analysis of the wetlands to be impacted in the MOS, that they concur that no further analysis under the existing EA is warranted for the MOS project. Additionally, the NJDEP met with NJ TRANSIT in August 2008 to discuss the information.

Wetlands Mitigation

The Project's maximum wetland impact of 5.82 acres (0.2 acres at the Andover Station, 4.1 acres along the MOS alignment, and 1.52 acres along the non-MOS alignment) will be mitigated at a ratio between 2:1 and 4:1 pursuant to the New Jersey Freshwater Wetlands Protection Act (N.J.S.A. 13:9B), administered by the NJDEP and the Federal Clean Water Act, Section 404 and the Rivers and Harbors Act, Section 10 administered by the USACE and USEPA, and Pennsylvania State Chapter 105 under the Dam Safety and Waterway Management Rules and Regulations, administered by PADEP. The wetland mitigation strategy for both the MOS and the non-MOS will be developed in coordination with the NJDEP, USACE and USEPA, as well as Byram Township, as highlighted below. As the station development and track alignment design advances through the design phases, emphasis will be placed on avoidance and minimization of impacts to wetlands where practical and feasible.

NJ Transit will mitigate wetland impacts based upon the results of the following agencies as specified below:

NJDEP: NJ TRANSIT, at the request of NJDEP will continue consultation with NJDEP during project design to minimize wetland impacts and to agree to mitigation measures. Additionally, NJ TRANSIT will seek any necessary regulatory approvals for improvements to crossings that may be identified during the design phase that may impact wetlands. Best Management Practices would be followed, and all work will be done in a way to minimize impacts.

USACE: Impacts will be mitigated within the project limits as requested by the USACE Philadelphia District, if possible. In the event that onsite restoration of impacted wetlands is not feasible, unavoidable impacts to aquatic resources will be compensated for per applicable Federal and State regulations.

Byram: For the wetland impacts along the railroad alignment in Byram Township, at the request of Byram Township, NJ TRANSIT commits to incorporating mitigation at Lake Lackawanna and along the Lubbers Run corridor in Byram Township as a first priority, pursuant to approval by the Federal and State regulatory authorities during the permit application process.

No construction will occur until NJ TRANSIT has received the appropriate wetlands permits as regulated by the agencies having jurisdiction.

As a result of the implementation of the mitigation measures noted above, there are no significant impacts with regard to wetlands and streams.

5.15 FLOODPLAINS

Floodplains along the project corridor were identified using the Federal Emergency Management Agency (FEMA) Flood Insurance Program GIS Q3 Flood Data. FEMA Flood Insurance Rate Maps (FIRM) were also used to identify floodplains throughout the study corridor. For the MOS and non-MOS portions, floodplain areas are located adjacent to and through the alignment. The alignment is located intermittently within the 100-year floodplain of several different water bodies.

The Delaware Water Gap station platform is within the 100-year floodplain and Analomink station is within the 500-year floodplain. Construction and staging area activities will be contained within the existing right-of-way in this portion to the maximum extent possible. There will be minimal disturbances to floodplains along the corridor, limited to bridge and culvert replacement which would temporarily disturb floodplain areas.

Mitigation measures to minimize impacts and/or restore and preserve natural floodplain values will include using structures to cross floodplains instead of fill material, providing adequate flow circulation, reducing grading requirements and preserving natural drainage when possible, as per the requirements of Federal Executive Order 11988.

As a result there are no significant impacts with regard to floodplains.

5.16 ENDANGERED SPECIES

Potential impacts on federal listed and state listed endangered species (including fauna and flora) were analyzed. The analysis considered suitability of habitat for these federal and state listed species, the existence of these species based on surveys, and the likelihood of these species to enter into the Project area.

Potential MOS impacts were identified adjacent to the MOS alignment for the following four endangered species: (1) the federal listed bog turtles, (2) the federal listed foraging and roosting Indiana bats, (3) the state listed blue-spotted salamanders, and (4) the state listed long-tailed salamanders.

Potential non-MOS impacts were identified adjacent to the non-MOS for the following four species: (1) the federal listed bog turtles, (2) the federal listed roosting Indiana bats, (3) the state listed blue-spotted salamanders, and (4) the state listed and long-tailed salamanders (4).

Potential impacts identified for the Project will be mitigated using measures such as construction timing restrictions, construction monitoring, avoidance, habitat replacement, incidental take permits or relocation. With these mitigation measures, as described in this FONSI and Appendix F, no significant impacts will occur to the federal listed or state listed endangered species.

The only federal-listed flora species was the Northeastern bulrush, listed for Pennsylvania and identified in the Project area (non-MOS); however, this species would not be impacted as a result of the Project.

5.16.1 Approach

The endangered species analysis considered potential impacts to threatened and endangered federal-listed and state-listed flora and fauna species in New Jersey and Pennsylvania, along the MOS and non-MOS corridor and station locations. Information for this analysis was provided by the USFWS New Jersey field office, NJDEP Natural Heritage Program, Pennsylvania Fish and Boat Commission, Pennsylvania Game Commission, and the Pennsylvania Department of Conservation and Natural Resources, as well as surveys as described below.

In the EA analysis, NJ TRANSIT assumed impacts for all endangered species. After the EA was distributed for public comment, in order to verify assumptions, habitat field surveys were conducted along the Project alignment to identify the presence of federal listed and state listed threatened and endangered species to determine specific impacts.

Subsequent to issuance of the EA, supplemental assessments were performed to determine if any of the previously identified floral or faunal species were located within the project study area. The following two assessments were performed to cover the MOS and the non-MOS:

1. Lackawanna Cut-off Passenger Rail Service Restoration Project, Supplemental Threatened and Endangered Species Assessment for the MOS, dated July 31, 2008, and included in Appendix H of this FONSI (formerly Appendix D of the September 2008 FONSI); and,
2. Lackawanna Cut-off Passenger Rail Service Restoration Project, Supplemental Threatened and Endangered Species Assessment for the Non-MOS, dated November 7, 2008, and included in Appendix H (formerly Appendix T of the Supplemental EA).

Both documents were also posted on the Project website. The supplemental assessments were performed by qualified environmental professionals and focused on the suitability of habitat for any of the identified faunal species, and to identify if any of the identified floral species were located within the project limits.

5.16.2 Summary Analysis of Potential Impacts

Federal Listed Species

Potential impacts were identified for the following two fauna. One flora species was identified, however, no impacts were identified..

Bog Turtle – It has been determined that there is suitable habitat in the Project area, though there is no suitable habitat for the bog turtle directly on the rail bed or any station or yard sites. The Pocono Station is the only station/yard in close proximity to any area that may have suitable habitat for bog turtles. Because suitable habitat has been identified, potential impacts could be the harm or death of this species while crossing the tracks or the construction zone.

Indiana Bat - Habitat does exist for roosting Indiana bats within the Project area and for foraging and roosting Indiana bats in the area east of Andover Station. Some of this habitat could be destroyed due to construction along the trackbed within the right-of-way.

Northeastern bulrush - The northeastern bulrush (flora), listed for Pennsylvania only, would not be impacted by the Project. The northeastern bulrush is typically found in small wetlands or vernal pools. The only area with the potential to be immediately adjacent to wetlands in Pennsylvania is the Tobyhanna station. The Tobyhanna station area was surveyed for the northeastern bulrush; however no species were found.

State Listed Species

Potential impacts were identified for the blue-spotted salamanders and long-tailed salamanders because potential habitat does exist in close proximity to the New Jersey alignment. There is habitat throughout sections of the alignment right-of-way for both species of salamanders. There is a potential impact for the salamanders due to habitat fragmentation if fill and rail track are added and impacts including death or injury due to salamanders crossing the rail right-of-way. NJTRANSIT will consult with NJDEP regarding the need for wildlife tunnels to reduce these impacts.

The right-of way for the Project does not encroach on any nests or burrows for other state-listed fauna or flora species. However, there is the possibility of a nominal or small impact to endangered state-listed species because the Project will operate through their habitat. Just as in the human environment, there is the potential for conflicts between the Project operations and animals as they travel through their habitat while crossing the rail right-of-way.

State listed species where the Project will not impact or disturb preferred habitat areas include: American bittern, barred owl, bobcat, Cooper's hawk, red-shouldered hawk, northern goshawk,

bobolink, and savannah sparrow. Secondary impacts associated with train collisions to timber rattlesnakes could occur, particularly in areas at-grade. Potential habitat exists in the MOS Project area in New Jersey for the long-eared owl and red-headed woodpecker. The impact to both the owl and woodpecker would be displacement of species from foraging areas. No nest habitats or roosting habitats were identified within the right-of way, and due to rarity of nesting long-eared owls and red-headed woodpeckers in Northern New Jersey, it is unlikely that these species will nest in the right-of-way. Several rivers along the alignment were identified that support rare freshwater mussel populations. However, since the Project will not impact these rivers, these populations would not be impacted. Impacts to wood turtle habitat were also determined to be negligible during operation of the Project.

The three plant species identified as having the potential to be located on site, Shrubby St. John's Wort, leathery grape fern, and hard-stemmed bulrush, were not identified during field investigations.

Coordination with Resource Agencies

Coordination with wildlife resource agencies has been ongoing at both the Federal and State levels since 2004. In May, 2004 USFWS requested that bog turtle habitat surveys be conducted in areas with emergent and shrub/scrub wetlands along the proposed project route and additionally information regarding potential impacts to the Indiana bat. In August, 2004, USFWS met with NJ TRANSIT and agreed to an appropriate plan for continued consultation. NJ TRANSIT committed in writing (via its September 2, 2004 letter) to future coordination and consultation with the USFWS for the protection of federally listed threatened and endangered species and their habitats. USFWS noted in their November 12, 2004 letter that due to the timing of project planning and development, NJ TRANSIT may perform necessary surveys and studies during the final design and development stages of the proposed project, and that NJ TRANSIT would document this ongoing consultation in the EA. Coordination continued in May 2007, with the USFWS reiterating their request for a Bog turtle habitat study. Bog turtle habitat studies were performed, as described above, in July and October 2008. On January 2, 2009, we received a Section 7 Consultation Summary from the New Jersey and Pennsylvania offices of the USFWS. The following mitigation was requested for the Project.

Mitigation

Impacts identified for the Project will be mitigated using measures such as timing restrictions, construction monitoring, avoidance, habitat replacement, incidental take permits or relocation.

Following are the specific mitigation measures recommended for each species:

Bog Turtle – Toed-in (buried) double silt fence will be built to exclude the bog turtle from construction areas. For the duration of project activities in these areas, a recognized, qualified bog turtle surveyor will place the double silt fence and monitor fence conditions every week from March 15 through October 15 and immediately after storm events. For construction activities during the remainder of the year, the surveyor will monitor every two weeks and

immediately after storm events. All wetlands rated unsuitable as bog turtle habitat and open waters that are contiguous to documented bog turtle habitat are considered travel corridors and will be protected accordingly. The wood turtle would benefit from these measures as well. NJ TRANSIT will coordinate monitoring and consult with the USFWS as detailed project plans become available.

Indiana bats – Seasonal restriction on tree clearing between April 1st and September 30th west of Andover Station and from April 1 to November 15th east of Andover Station for potential summer roosting areas would be implemented in connection with any tree removal associated with the project.

Blue-spotted and long-tailed salamanders – NJ TRANSIT will consult with NJDEP during design/engineering to determine whether wildlife tunnels should be considered to reduce the potential risk of habitat/population fragmentation.

Timber rattler - mitigation for impacts could include the construction of wildlife crossings at key wildlife corridors.

Wood turtle - mitigation for impacts during construction activities will include timing restrictions, construction monitoring, and exclusion fencing.

With the mitigation measures proposed, impacts will be mitigated to the regional populations of the federally or state-listed species protected by the Endangered Species Act of 1973, amended (16 U.S.C. 1531 et seq.). During the development of the preliminary design plans of the project, NJ TRANSIT will resume informal consultation with the USFWS in order to finalize the requirements of Section 7 of the ESA.

As a result there are no significant impacts with regard to endangered species.

5.16.2 Protected Species

Although the Bald Eagle is no longer listed as a threatened or endangered species, it is subject to protection under the Federal Bald and Golden Eagle Protection Act.

Bald Eagle – Although there are no known active nest sites, potential bald eagle foraging habitat has been identified in the non-MOS in the vicinity of Paulins Kill, the Delaware River, and near several lakes in the Pennsylvania portion of the project. The Project is unlikely to impact the foraging habitat of the bald eagle as the alignment is already in place, has previously been cleared, and the Pennsylvania portion is currently an active freight railroad. Any additional clearing that would be required would be to undergrowth vegetation that would have spread into the right-of-way and that would not be suitable for nesting. Prior to the start of construction, NJ TRANSIT will consult with the USFWS to determine whether any new bald eagle nest locations or communal roost sites are being utilized on or adjacent to the project area. If new nest or roost sites are established on or near the project area, measures will

be taken to minimize impacts. The USFWS's National Bald Eagle Management Guidelines will be adopted in order to provide the requisite protection.

5.17 HAZARDOUS WASTE

Preliminary hazardous waste database reviews and site inspections identified two proposed station areas where hazardous contaminants could be located, both in the non-MOS:

1. **Scranton Station Area-** The U.S. Department of the Interior – Steamtown National Historic Park is listed as having Leaking Underground Storage Tanks (LUST) according to the database search. The contaminants are benzene (B-tex) and heating oil and the Pennsylvania Department of Environmental Protection has not yet reported a date when no further corrective action will be necessary. The close proximity of this site to the potential station area warrants further analyses that will be conducted during the engineering phase to ensure that contamination of these soils has not occurred.
2. **Tobyhanna Station Area-** The 1,293-acre Tobyhanna Army Depot located approximately 0.25 miles northwest of the proposed station area was formerly utilized by the United States Army for uses including field artillery training and ordnance storage. The presence of hazardous materials contamination resulting from past and present activities conducted on the Army property have resulted in the site being listed in numerous environmental databases including the National Priority List (NPL), the Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS), CORRACTS, and the Resource Conservation and Recovery Information System (RCRIS). Based on the depot's close proximity to the proposed station area, further hazardous waste analyses will be conducted during the engineering phase to ensure that contamination of the site's soils has not occurred.

These sites will undergo a further review into the Public Record with regard to any contamination assessment or remedial action plans which were generated since the analysis was performed for the June 2008 EA. Additionally, NJ TRANSIT, per the real estate transfer requirements in NJ, performs testing prior to all its property transactions. Therefore, this will be done for this project as well.

Additionally, due to past uses at the Blairstown station and the East Stroudsburg station, soil and groundwater investigations will be performed to assess the potential for petroleum contamination impacts.

If contaminated media are encountered during construction, additional investigations will be necessary to implement mitigation activities required to support construction. Such activities will include design and operation of on-site groundwater treatment equipment, implementing special handling, characterization, and disposal procedures for contaminated soils or implementation of engineering controls (slurry walls, infiltration trenches, etc.) to prevent affecting natural fate and transport parameters of existing groundwater contaminant plumes. Additionally, the results of the contamination assessment activities will be utilized to assess the need for performance of a more detailed contamination assessment or Remedial Action Plan for the potential contamination sites.

In the event that hazardous or regulated materials are encountered during construction, such materials will be handled and classified for offsite disposal in accordance with the project Contaminated Soils, Water and Materials Management Plan and in accordance with (ISRA) concerning the handling, disposal, and remediation of hazardous materials and petroleum products and Resource Conservation and Recovery Act (RCRA), which regulates the treatment, storage, transportation, and disposal of solid hazardous waste. Monitoring and remediation plans would be developed and approved by NJDEP and PADEP requirements.

Additionally, although the project construction requirements do not project ground water dewatering as part of necessary construction activities, should dewatering be required, all ground water will be handled and disposed of in accordance with applicable Federal, state and local regulations as detailed in the management plan referenced above.

As a result there are no significant impacts with regard to hazardous waste.

5.18 ENVIRONMENTAL JUSTICE

To identify relative concentrations of minority and low-income individuals, data on race/ethnicity, median household income, and poverty were examined for census block groups within an approximately 1,000-foot radius of sites proposed for station areas. These data were compared with data on race/ethnicity, median household income, and poverty for each of the seven municipalities containing these proposed station areas, and for Lackawanna, Monroe, Warren and Sussex Counties.

For purposes of comparison, target-population concentrations were taken to be cases in which 50 percent or more of residents were reported to belong to a minority or low-income category. While the minority and low-income population levels proximate to proposed station areas and the yard facility reach 16 percent and 23.5 percent, respectively, populations do not reach the 50 percent threshold. Therefore no target populations are present within the delineated study areas.

Impacts to minority and low-income populations will be no greater than those impacts experienced by other members of the general population who also live within close proximity to the right-of-way. Both target populations will also share equally with the general population in the benefits that will be generated by the proposed project. Therefore, no environmental justice-related impacts will result from the implementation of the non-MOS.

5.19 CONSTRUCTION IMPACTS

Temporary short-term construction-induced impacts will occur within communities adjoining the project rail alignment and the proposed station, maintenance of way facility and yard. The nature and extent of the proposed work varies along the corridor and consists of the reconfiguration and installation of trackage; replacement and rehabilitation of bridges and viaducts; and construction of stations, parking areas, and a yard facility.

Construction impacts are temporary, and will cease with the completion of construction. To minimize overall impacts during construction, the proposed project will be planned, designed, scheduled and staged to minimize disruption to existing traffic, abutting neighborhoods and the environment. Contractors will be required to make considerable efforts to avoid staging equipment and traversing areas beyond the construction site boundaries. NJT will implement the following:

1. Use of screened staging area within the existing right-of-way wherever possible.
2. Avoidance of sensitive areas for staging, including the wetlands identified in the wetlands delineation report (Appendix G of this FONSI and formerly Appendix C of the September 2008 FONSI) and/or environmentally sensitive areas where mature vegetation and potential fish and wildlife habitats are present. Parklands will also be avoided as staging areas, and access to parkland and public recreational resources will be maintained.
3. Coordination between NJ TRANSIT and the involved municipalities and NJDOT, PennDOT and DLRC to develop construction plans and regular, on-going coordination and communication with the affected municipalities throughout construction process.
4. Reduction of fugitive dust, particularly near historic resources, through measures including: application of water or other soluble moisture-retaining agents to dirt areas; cleaning construction equipment and adjacent paved areas that may be covered with dirt or dust; covering haul trucks carrying loose materials to and from construction sites; use of clean fuels in construction equipment; deployment of clean diesel construction equipment (new, retrofit, rebuilt or repowered), and the implementation of anti-idling practices at construction sites.
5. Measures to mitigate noise and vibration, particularly near historic resources, including: use of specific equipment, including concrete cutters rather than pavement breakers; proper maintenance of construction equipment mufflers installation of temporary noise barriers; and rerouting of heavy equipment and truck movements, where practical and necessary.
6. Measures to mitigate traffic impacts, including: development and implementation of a Maintenance and Protection of Traffic (MPT) plan; limiting temporary grade crossing and roadway lane closures by doing the relevant construction during off-peak traffic hours when viable; providing public and business notification of future closures and detour routes; use of well-positioned closure and detour warning signs; and the appropriate scheduling and coordination of all construction activities that will occur at the same grade crossing or within the same area.
7. Measures to mitigate impacts to surface water quality including: soil erosion reduction techniques (a combination of silt fences, hay bale filters, inlet filters, stone rip-rap and temporary vegetative covers) and ground water such as dewatering and proper construction equipment maintenance procedures; and immediate containment and disposal of spills.
8. Measures to mitigate wetland impacts including the use of temporary signs and fences; erosion and sediment control measures consisting of silt fences, hay bales, mats or

temporary drainage systems; spill prevention plans; restricting washing activities to areas distant from wetlands and other sensitive resources.

9. Measures to mitigate impacts to threatened and endangered species include construction timing/seasonal restrictions, construction monitoring, and exclusion fencing.
10. Measures to mitigate impacts from hazardous materials, including further investigation and testing and development and implementation of monitoring plans, remediation plans and an Emergency Response Plan, as necessary.
11. A construction monitoring and staging plan for the Project will be prepared by NJ TRANSIT and reviewed and approved by the NJ SHPO.
12. Measures to mitigate impacts to threatened and endangered species include construction timing/seasonal restrictions, construction monitoring, and exclusion fencing. **Tree removal** is prohibited between April 1 and November 15 (to protect roosting/breeding Indiana bats) for the area east of Andover Station, and between April 1 and October 1 for the area west of Andover Station. Should tree clearing be proposed during the restricted season, further consultation with the USFWS will be required. **“Monitoring during construction”** needs to be performed by a qualified bog turtle surveyor, as well as **buried double silt fencing** in the areas with the potential to provide suitable habitat. Between March 15 and October 15 the qualified bog turtle surveyor should monitor the fence conditions weekly and immediately after storm events. Between October 15 and March 15, monitoring should take place every two weeks and immediately after storm events.

As a result there are no significant construction impacts.

5.20 CUMULATIVE EFFECTS AND INDIRECT IMPACTS

The Project is not anticipated to result in adverse indirect or cumulative impacts. The provision of an alternate means of transportation, in concert with similar planned improvements in the region, will contribute to an overall improvement in mobility and will likely stimulate positive economic growth. While economic growth resulting from improved access may result in some population growth, the impact will be incremental, and the mitigation of individual projects will address localized issues, including potential impacts to natural resources, water quality, and flood plains. No indirect or cumulative impacts are anticipated to community facilities, recreational resources, and other such disciplines that are affected by population growth. The Project combined with other planned regional projects, will not disproportionately impact low-income or minority populations, but will instead benefit all social and economic sectors equally. Environmental and social factors affecting traffic and associated pollution would likely experience positive cumulative effects as a result of an anticipated decrease in VMT and highway congestion resulting from the combination of the proposed rail service and regional highway improvement projects.

Therefore, no mitigation is required and no significant cumulative effects or indirect impacts would result.

6. SECTION 4(F) EVALUATION

The Build Alternative will not result in any takings of parks, thereby not causing any direct impacts. In addition, the project will not alter the use of the parks and would not preclude any of the activities that currently take place at the parks along the alignment. Access to the parks will not be altered by the project, and with the grade crossing improvements discussed under the “noise” heading, none of the parks will be severely impacted by noise per FTA noise guidelines. Furthermore, most of the parks are bordered by tall trees, bushes, vegetation, and rolling topography that will help to shield the rail service from view. Since no park resources are used by the Build Alternative, Section 4(f) does not apply to the resources noted above in 5.3.2 Parks. Since the Build Alternative has a PA dated September 12, 2008 and in letters dated April 30, 2007 by NJ and February 6, 2007 by PA, the SHPOs have concurred that the project would be no adverse effect on the resources noted above in 5.4 Historic Resources, and 5.5 Archaeology. Additionally, since no park resources are impacted by the project, Section 4(f) does not apply to the above noted resources.

6.1 SECTION 4(f) FINDING

The Section 4(f) Build Alternative will result in a finding of *de minimis* impact on lands protected by Section 4(f) per Section 6009(a) of SAFETEA-LU (dated August 10, 2005). Section 4(f) requirements are thereby satisfied.

7. MEASURES TO MINIMIZE HARM

The Build Alternative or Project will be built in a manner consistent with the EA, Supplemental EA, the September 12, 2008 FONSI, and this FONSI. NJ TRANSIT will implement the mitigation measures described in the EA, Supplemental EA, and this FONSI. The EA and Supplemental EA are incorporated by reference into this FONSI, and detailed mitigation measures, commitments and findings are also contained in Appendix F.

Prior to the start of construction, the following plans will be developed by NJ TRANSIT in compliance with applicable regulations and in cooperation with municipal, agency, and industry representatives:

1. Maintenance and Protection of Traffic Plan (MPT)
2. Contaminated Soils, Water, and Materials Management Plan
3. Construction Environmental Control Plan
4. Emergency Control Plan
5. Safety Protocol - This plan will continue to serve the Project during revenue service

The plans will be distributed to contractors, and compliance will be required as a means to minimize impacts resulting from construction activities. Requirements for permits associated with the development of the non-MOS are discussed below in Section 8 of this FONSI. All mitigation measures, listed in Appendix F or otherwise in this FONSI will be followed by NJ TRANSIT.

8. PERMITS REQUIRED

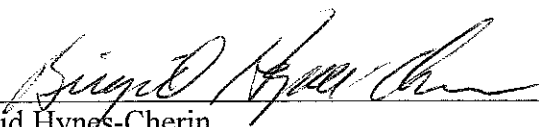
The Project will involve on going coordination with Federal, State and local agencies throughout the design process. Agencies such as NJDEP, PADEP, and the USACE will have direct involvement through the regulatory permitting process. Other agencies will have a permitting or coordinating role through the design and into construction/implementation.

NJ TRANSIT will work closely with all the regulatory agencies throughout the design completing all required permitting and consultation activities. The EA provides a complete listing of the involved agencies as well as description of the permitting requirements associated with the project.

9. DETERMINATION

FTA NEPA FINDING

FTA has reviewed the *New Jersey – Pennsylvania Lackawanna Cut-Off Passenger Rail Service Restoration Project Environmental Assessment* and the *June 2009 Supplemental Environmental Assessment to the New Jersey – Pennsylvania Lackawanna Cut-Off Passenger Rail Service Restoration Project Environmental Assessment June 2008* and finds that the Lackawanna Cut-Off Passenger Rail Service Restoration Project will have no significant impact on the environment in accordance with the National Environmental Policy Act and pursuant to 23 CFR 771.121.



Brigid Hynes-Cherin
Regional Administrator, Region II
Federal Transit Administration

10/2/09
Date

Appendices:

Appendix A – Response to Comments Regarding the Supplemental Environmental Assessment

Appendix B – Response to Comments Regarding the MOS portion of the Environmental Assessment

Appendix C – Response to Comments Regarding the Non-MOS portion of the Environmental Assessment

Appendix D – Programmatic Agreement

Appendix E – Federal, State, and Local Correspondence

Appendix F – Environmental Mitigation Commitment

Appendix G – Wetlands Delineation for the MOS and non-MOS

Appendix H – Endangered Species Assessment for the MOS and non-MOS