

DYER & PETERSON, P.C.

ENTERED
Office of Chief Counsel
March 20, 2026
Part of
Public Record

Glenn T. Dyer
gdyer@dyerpeterston.com
Direct: 973-928-8219

Gregory E. Peterson
gpeterston@dyerpeterston.com
Direct: 973-218-1053
NJ, NY, PA, and DC

March 20, 2026

322 US Highway 46
Suite 220E
Parsippany, NJ 07054

973-928-8208
(phone & fax)

www.DyerPeterson.com

Senior Associate

Marissa L. Melki
mmelki@dyerpeterston.com
Direct: 973-739-8755
NJ and PA

Associates

Jaime R. Ackerman
jackerman@dyerpeterston.com
Direct: 973-928-8615
NJ, NY, PA, and ME

Nathan C. Orr
norr@dyerpeterston.com
Direct: 973-841-5688

Of Counsel

John K. Fiorilla
jfiorilla@dyerpeterston.com
Direct: 973-419-6124

Via E Filing

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, DC 20024

**Re: Belvidere & Delaware River Railway Company Inc. (BDR)
Abandonment Exemption in Hunterdon County, NJ
Surface Transportation Board Docket No. AB-1301**

Dear Ms. Brown:

Enclosed for e-filing in STB Docket AB 1301 on behalf of the Belvidere & Delaware River Railway Company, Inc. is a verified notice of exemption pursuant to the provisions of 49 C.F.R. part 1152 Sub part F.

The filing fee of \$5,300.00 was paid using pay.gov. Please let me know if there are any questions regarding this filing.

Sincerely,

John K. Fiorilla
Counsel for Belvidere & Delaware River
Railway Company, Inc.

Cc: Parties Receiving Environmental & Historic Report as noted in
Exhibit C, Attachment 2

FEE RECEIVED
March 20, 2026
SURFACE
TRANSPORTATION BOARD

FILED
March 20, 2026
SURFACE
TRANSPORTATION BOARD

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO AB-1301

BELVIDERE & DELAWARE RIVER RAILWAY COMPANY, INC.

ABANDONMENT EXEMPTION

**BOROUGH OF MILFORD, COUNTY OF HUNTERDON
NEW JERSEY**

VERIFIED NOTICE OF EXEMPTION

**John K. Fiorilla, Esq.
Dyer & Peterson PC
322 US Highway 46 W
Suite 220
Parsippany, N.J. 07054
609-792-6851
Jfiorilla@dyerpetererson.com**

Attorneys for Belvidere & Delaware River Railway Company, Inc.

March 20, 2026

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO AB-1301

BELVIDERE & DELAWARE RIVER RAILWAY COMPANY, INC.

**ABANDONMENT EXEMPTION
BOROUGH OF MILFORD, COUNTY OF HUNTERDON
NEW JERSEY**

Notice of Exemption

The Belvidere & Delaware River Railway Company, Inc. ("BDR") submits this verified Notice of Exemption pursuant to 49 C.F.R. § 1152 Subpart F- Exempt Abandonments and Discontinuances of Service and Trackage Rights for an exempt abandonment of its line of railroad running from Alexandria Creek Milepost 34.27 to a point 566.75 feet south of Milepost 35, a total distance of approximately 3,288 linear feet all of which is located within the Borough of Milford, County of Hunterdon, New Jersey (the "Line"). The Line is found in US Postal Service Zip Code 08848.

Proposed Consummation Date 49 C.F.R. § 1152.50(d)(2)

The abandonment will not be consummated until at least 50 days after filing this Notice of Exemption.

Certification: 49 C.F.R. § 1152.50(b)

BDR certifies that no local or overhead traffic has moved over the Line for at least fifteen (15) years, therefore there is no need to reroute any traffic. BDR further certifies that no formal complaint filed by a user of rail service on the line (or filed by a state or local governmental entity acting on behalf of such user) regarding cessation of service over the Line is pending either with

the Board or any US District Court, or has been decided in favor of the complainant within a two-year period.

Additional Information Required: 49 C.F.R. 1152.22 (a) (1-4, 6-8. and (e) 4)

(a) General

(a)(1) The railroad's exact name is The Belvidere & Delaware River Railway Company, Inc.

(a)(2) BDR is a common carrier by railroad subject to 49 U.S.C. Subtitle 4, Chapter 105.

(a)(3) BDR intends to abandon a portion of its line of railroad running from Alexandria Creek Milepost 34.27 to a point 566.75 feet south of Milepost 35, a total distance of 3,288 linear feet all of which is located in the Borough of Milford, County of Hunterdon, New Jersey.

(a)(4) and (a) (5) A map of the portions of the Line to be abandoned is attached hereto as **Exhibit A and Exhibit B.**

(a)(6) This application to abandon is made because the Line has not been in use in over 15 years and the State of New Jersey has entered into a contract with BDR subject to abandonment approval to purchase the portion of the line to be abandoned and convert the Line into a recreational trail for use by the public.

(a)(7) The representative to whom correspondence regarding this abandonment and discontinuance should be sent is.

**John K. Fiorilla, Esq.
Dyer & Peterson PC
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609-792-6851
jfiorilla@dyerpetererson.com**

(a)(8) ZIP Codes- The Lines to be abandoned traverse US Postal Zip code 08848.

(e)(4) Rural and Community Impact

It is BDR's intention to sell the right of way, ballast and bridges to the State of New Jersey and the State of New Jersey has entered into a purchase and sale agreement outlining the terms and conditions for the sale of the Line subject to Board approval for abandonment. Culverts and right-of-way grading will remain intact so as not to alter the prevailing drainage and water flows along the Line. Ballast will typically be left in place but may be removed by the State of New Jersey if it would make the right of way more suitable for a planned future use.

After the proposed abandonment, the State of New Jersey will develop the Line which is adjacent to recreational lands currently owned by the State. All track, ties, public grade crossings, railroad signals will be salvaged and removed by the Railroad.

Based on BDR records, BDR owns the real estate in fee title interest and the Line does not contain federally granted right-of-way.

No local traffic has moved over the line for the past fifteen (15) years and there is no overhead traffic on the Line. BDR has received no request for rail service on the line in well over 15 years. No complaint regarding cessation of service has been filed, is pending, or has been ruled upon in favor of a complainant during the prior 15 years.

A map of the Line is attached hereto as Exhibit A

Labor Protection

There have been no railroad employees assigned to work on the Line. If there were, they would be protected by the conditions discussed in Oregon Short Line Railroad Co.-Abandonment-Goshen 360 I.C.C. 91 (1979).

Certifications

Attached as Exhibit C is a Certificate of Service and Publication including an Affidavit of Publication pursuant to the notice requirements of 49 C.F.R. §§ 1152.50(d)(1), 1105.11 and 1105.12.

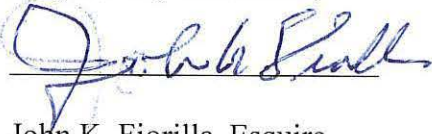
Environmental and Historic Report

A copy of both the cover letter and BDR's Combined Environmental and Historic Report (CEHR) containing the information required in 49 C.F.R. §§ 1105.7(e) and 1105.8 and delivered in accordance with 49 C.F.R. 1105.11 is attached hereto as Exhibit D.

Since serving the CEHR, BDR has received emails from the United States Fish and Wildlife Service, New Jersey Field Office which are attached as Exhibit E. In reply to the additional information requested by the United States Fish & Wildlife Service, the BDR response to their email is attached hereto as Exhibit F. Note that BDR has suggested that the railroad escort the Fish and Wildlife Service on a tour of the Line since so they can examine the Line for species that may be protected. None of the other parties who received the CEHR have responded to BDR. No letters or emails opposing the proposed abandonment have been received by the applicant or its attorneys.

Dated this Twentieth day of March, 2026

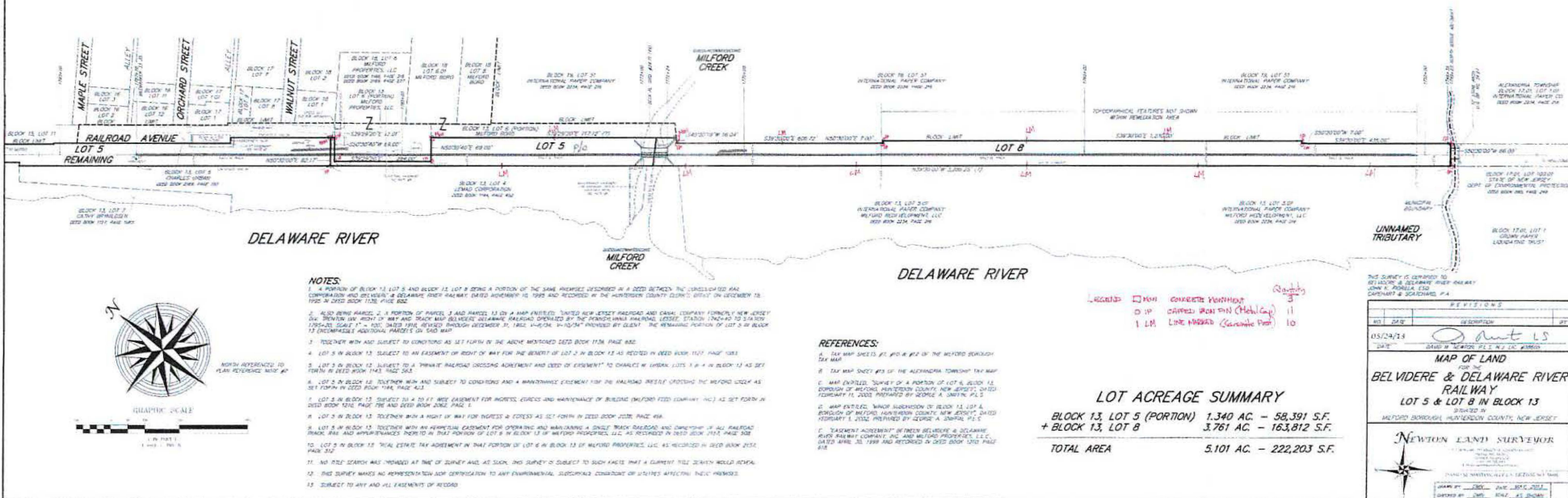
Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "John K. Fiorilla", is written over a horizontal line.

John K. Fiorilla, Esquire
Dyer & Peterson, PC
322 US Highway 46 W, Suite 220
Parsippany, New Jersey 07054
609-792-6851
jfiorilla@dyerpetererson.com

EXIHIBITS A & B

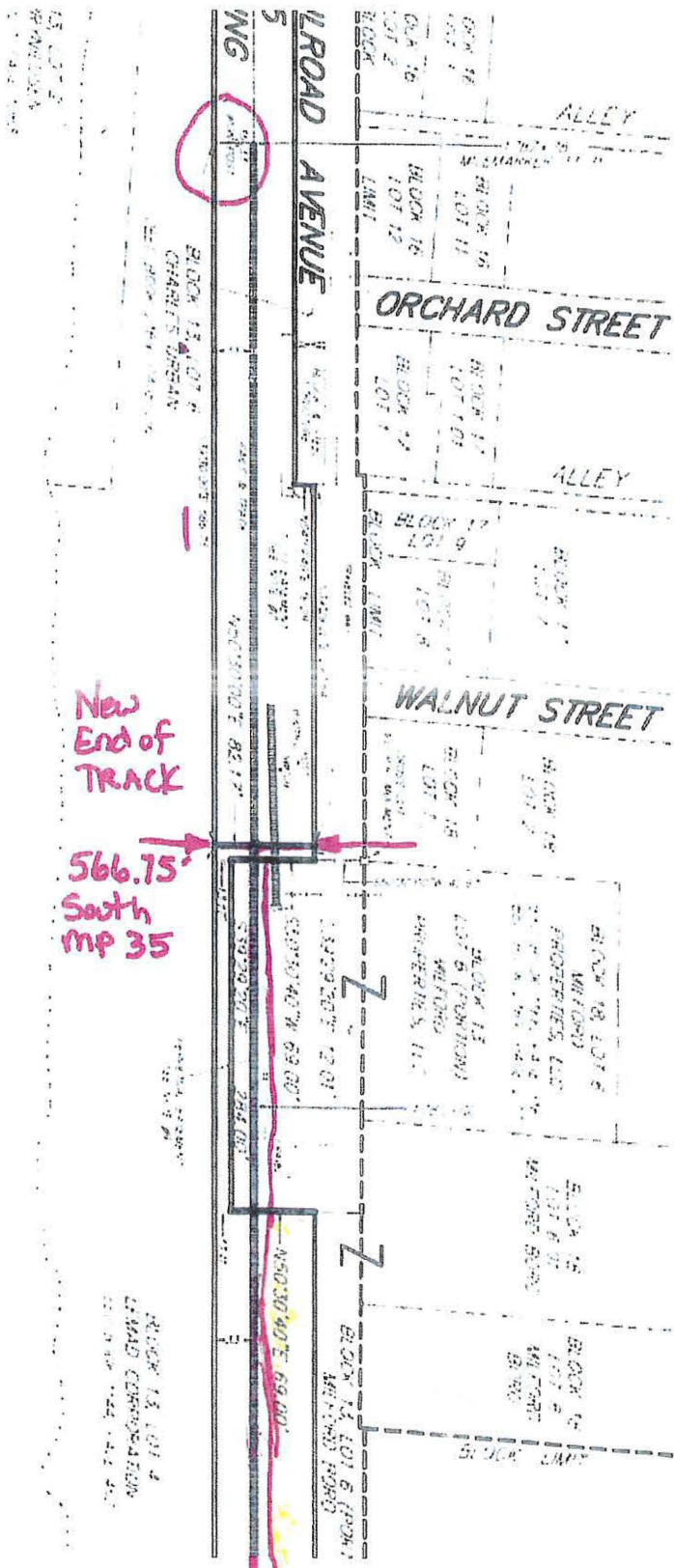
MILFORD BOROUGH TAX MAP: SHEETS 7, 10 & 12, BLOCK 13, PORTION LOT 5 & LOT 8



Blumberg No. 5119

EXHIBIT

A



DELAWARE RIVER

NOTES:



Abandon to BR 34.27

EXHIBIT C

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO AB-1301

**THE BELVIDERE & DELAWARE RIVER RAILWAY
COMPANY, INC.
ABANDONMENT EXEMPTION
BOROUGH OF MILFORD, COUNTY OF HUNTERDON
NEW JERSEY**

CERTIFICATE OF SERVICE AND PUBLICATION

49 C.F.R. § 1152.50(D)(1) – NOTICE

The undersigned certifies that on September 17, 2025 (at least 10 days before the Notice of Exemption is filed) written notice was given by BDR stating BDR's intent to use the Notice of Exemption procedure to abandon approximately 3,288 linear feet of track running from Milepost 34.27 to Milepost 35 all of which is located in the Borough of Milford, County of Hunterdon, N.J. A copy of the letters sent are attached hereto as Attachment 1.

This was served on the following whose names and addresses appear on the attached letter.

State of New Jersey, Department of Transportation, Trenton, N.J.

Chief of Forest Service, U.S. Department of Agriculture, Washington, DC

National Park Service, Washington, D.C.

Transportation Engineering Agency (SDTE-SA) Scott AFB, Illinois

49 C.F.R. § 1105.11- Transmittal Letter of Applicant's Report

The undersigned certifies that on July 31, 2023 (at least 20 days before the Notice of Exemption is filed) a Combined Environmental and Historic Report pursuant to 49 C.F.R. § 1105.7 and 1105.8 was served in Docket AB-1301 for abandonment of the Line in Hunterdon County, N.J. to the following:

1. New Jersey State Clearing House and Review Process - (Trenton, N.J.)
2. New Jersey Department of Environmental Protection - (Trenton, N.J.)
3. US Department of Environmental Protection - (Regional Office) (New York, N.Y.)
4. New Jersey State Historic Preservation Office - (Trenton, N.J.)
5. US Fish & Wildlife Service - (N.J. Field Office, Galloway, N.J.)
6. US Army Corp of Engineers - (Philadelphia Division)
7. National Park Service - (Regional Office) (Philadelphia, PA)
8. Natural Resources Conservation Services - (Regional Office) (Hamilton Square, N.J.)
9. National Geodetic Service - (Silver Spring, MD)
10. Hunterdon County Clerk - (Flemington, N.J.)
11. Mayor of the Borough of Milford - (Milford, N.J.)

A copy of the letters sent to the parties noted above are attached hereto as Attachment 2.

49 C.F.R. § 11502.12- Newspaper Notice

The undersigned further certifies that a "Notice of Intent to Abandon and Discontinue Service" was published in the form prescribed by the Board for a Notice of Exemption. The Notice which is attached as Attachment 3 with an affidavit of publication was published three times in the Star-Ledger on September 24, 2025, October 1, 2025 and October 8, 2025.

Dated this Twentieth day of March, 2026

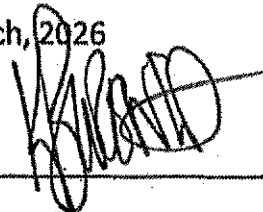
A handwritten signature in blue ink, appearing to read "John K. Fiorilla", is written over a horizontal line.

John K. Fiorilla, Esq
Dyer & Peterson PC
322 US Highway 46 Suite 220
Parsippany, N.J. 07054
609-792-6851
jfiorilla@dyerpetererson.com

VERIFICATION PURSUANT TO 28 USC § 1746(2)

I, Kean Burenga, President of the Belvidere & Delaware River Railway Company Inc., declare under penalty of perjury under the laws of the United States of America, that I have read the foregoing document and that its assertions are true and correct to the best of my knowledge, information and belief. I further declare that I am qualified and authorized to submit this verification on behalf of the Belvidere & Delaware River Railway Company Inc.

Dated at Ringoes, N.J. this ^{19TH} day of March, 2026



Kean Burenga

ATTACHMENT 1



Glenn T. Dyer
gdyer@dyerpetererson.com
Direct: 973-928-8219

Gregory E. Peterson
gpetererson@dyerpetererson.com
Direct: 973-218-1053
NJ, NY, PA, and DC

John K. Fiorilla
jfiorilla@dyerpetererson.com
Direct: 973-419-6124

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Parsippany, NJ 07054

Central Jersey Office
250 Washington Street
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Toms River, NJ 08753

South Jersey Office
605 Main Street
Suite 104
Riverton, NJ 08077

Counsel

Ronald S. Yuro
ryuro@dyerpetererson.com
Direct: 973-841-5688
*Certified by the Supreme Court
of New Jersey as a Civil Trial
Attorney*

Associates

Matilda A. Carvajal
mcarvajal@dyerpetererson.com
Direct: 973-928-8208 x15

Jaime R. Ackerman
jackerman@dyerpetererson.com
Direct: 973-928-8615
NJ, NY, PA, and ME

September 17, 2025

Via First Class Mail

Francis K. O'Connor, Commissioner
New Jersey Department of Transportation
1035 Parkway Avenue
PO Box 600
Trenton, N.J. 08625-600

Re: Belvidere & Delaware River Railway Company
Abandonment Exemption
Milford- Hunterdon County
STB Docket No. 1301 X

Dear Commissioner O'Connor:

This firm represents the Belvidere & Delaware River Railway Company. Please be advised that on or after November 3, 2025, the Belvidere & Delaware River Railway Company will file a notice of exemption pursuant to 49 C.F.R. § 1152.20 seeking authority to abandon a line of railroad in Hunterdon County, New Jersey for the purpose of selling the right of way to the State of New Jersey, Department of Environmental Protection, Green Acres Program.

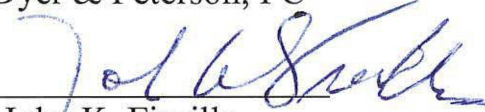
There are no current rail operations on the line nor has there been for more than fifteen (15) years, the paper mill at this location having closed in 2004 and having been demolished since that time.

The line is located in the Borough of Milford, Hunterdon County, New Jersey and is part of USRA Line Code 1124 and traverses US Postal Service Zip Code 08848. The portion to be abandoned extends from 566.75 feet South of Milepost 35 to the Under-grade stone-arch bridge at Milepost 34.27. The entire track to be

abandoned is shown in red on the attached exhibits. The portion of right of way shown in yellow is the portion to be sold to the DEP Green Acres and remaining small portion which is not owned by the railroad but upon which it continues to have operating rights is also being abandoned. The entire proposed abandonment extends a distance of approximately 3,288 linear feet.

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,
Dyer & Peterson, PC



John K. Fiorilla

Cc; Bhavin Kapadia, Director of Multimodal Service ✓
Kerry Lynn Owen, Green Acres Program ✓



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gdyer@dyerpetererson.com
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Counsel

Ronald S. Yuro
ryuro@dyerpetererson.com
Direct: 973-841-5688
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Associates

Matilda A. Carvajal
mcarvajal@dyerpetererson.com
Direct: 973-928-8208 x15

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jackerman@dyerpetererson.com
Direct: 973-928-8615
NJ, NY, PA, and ME

September 17, 2025

Via First Class Mail

Thomas Schultz
Chief of Forest Service
US Department of Agriculture
1400 Independence Avenue SW
Washington, DC 20250-1111

Re: Belvidere & Delaware River Railway Company
Abandonment Exemption
Milford- Hunterdon County
STB Docket No. 1301 X

Dear Mr. Schultz:

This firm represents the Belvidere & Delaware River Railway Company. Please be advised that on or after November 3, 2025, the Belvidere & Delaware River Railway Company will file a notice of exemption pursuant to 49 C.F.R. § 1152.20 seeking authority to abandon a line of railroad in Hunterdon County, New Jersey for the purpose of selling the right of way to the State of New Jersey, Department of Environmental Protection, Green Acres Program.

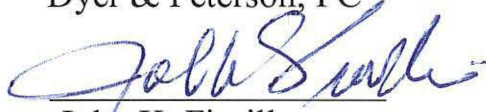
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If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,
Dyer & Peterson, PC



John K. Fiorilla



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Counsel

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ryuro@dyerpeterperson.com
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NJ, NY, PA, and ME

September 17, 2025

Via First Class Mail

**National Park Service
River Trails & Conservation Assistance Program
1849 C Street NW
Washington, DC 20240**

**Re: Belvidere & Delaware River Railway Company
Abandonment Exemption
Milford- Hunterdon County
STB Docket No. 1301 X**

Dear Sir or Madam:

This firm represents the Belvidere & Delaware River Railway Company. Please be advised that on or after November 3, 2025, the Belvidere & Delaware River Railway Company will file a notice of exemption pursuant to 49 C.F.R. § 1152.20 seeking authority to abandon a line of railroad in Hunterdon County, New Jersey for the purpose of selling the right of way to the State of New Jersey, Department of Environmental Protection, Green Acres Program.

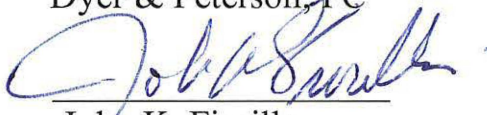
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Dyer & Peterson, PC


John K. Fiorilla



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NJ, NY, PA, and ME

September 17, 2025

Via First Class Mail

Mr. Samuelson
SDDCTEA
Railroad for National Defense
1 Soldier Way Building 1900W
Scott AFB, Illinois 62225

Re: Belvidere & Delaware River Railway Company
Abandonment Exemption
Milford- Hunterdon County
STB Docket No. 1301 X

Dear Mr. Samuelson::

This firm represents the Belvidere & Delaware River Railway Company. Please be advised that on or after November 3, 2025, the Belvidere & Delaware River Railway Company will file a notice of exemption pursuant to 49 C.F.R. § 1152.20 seeking authority to abandon a line of railroad in Hunterdon County, New Jersey for the purpose of selling the right of way to the State of New Jersey, Department of Environmental Protection, Green Acres Program.

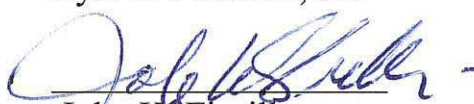
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Sincerely,
Dyer & Peterson, PC


John K. Fiorilla

ATTACHMENT 2



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September 17, 2025

Via First Class Mail

New Jersey State Clearing House and Review Process
Office of the Governor
State of New Jersey
PO Box 001
Trenton, NJ 08625-0001

**Re: Belvidere & Delaware River Railway, Inc.
Abandonment Exemption
Milford- Hunterdon County
STB Docket No. AB 1301 X**

Dear Sir or Madam:

On or about November 3, 2025 the Belvidere & Delaware River Railway (BDRY) will be filing with the Surface Transportation Board (STB) a Verified Notice of Exemption seeking authority to abandon a line of railroad located in Milford Borough, Hunterdon County, New Jersey. The line of railroad in question is part of USRA Line Code 1124 and extends 566.75 feet South of Milepost 35 to the under-grade stone arch bridge at Milepost 34.27. The line to be abandoned extends approximately 3,288 linear feet. The line to be abandoned will be sold to the State of New Jersey, Department of Environmental Protection, Green Acres Program. Attached is an Environmental and Historic Report describing the proposed action and any expected environmental and/or historic effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if the you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, DC 20423, telephone 202-245-0295 and refer to the above docket number. Because the applicable statutes and regulations impose stringent deadlines for processing this action, the Board's written comments to

OEA (with a copy to the undersigned the representative of applicant) would be appreciated within three (3) weeks.

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Sincerely



John K. Fiorilla

Enclosure



Glenn T. Dyer
gdyer@dyerpeterperson.com
Direct: 973-928-8219

Gregory E. Peterson
gpeterson@dyerpeterperson.com
Direct: 973-218-1053
NJ, NY, PA, and DC

John K. Fiorilla
jfiorilla@dyerpeterperson.com
Direct: 973-419-6124

973-928-8208

(phone & fax)

www.DyerPeterson.com

Offices

Main Office (all mail)
322 US Highway 46
Suite 220E
Parsippany, NJ 07054

Central Jersey Office
250 Washington Street
Suite A4
Toms River, NJ 08753

South Jersey Office
605 Main Street
Suite 104
Riverton, NJ 08077

Counsel

Ronald S. Yuro
ryuro@dyerpeterperson.com
Direct: 973-841-5688
*Certified by the Supreme Court
of New Jersey as a Civil Trial
Attorney*

Associates

Matilda A. Carvajal
mcarvajal@dyerpeterperson.com
Direct: 973-928-8208 x15

Jaime R. Ackerman
jackerman@dyerpeterperson.com
Direct: 973-928-8615
NJ, NY, PA, and ME

September 17, 2025

Via First Class Mail

Shawn M. LaTourette, Commissioner
NJ Department of Environmental Protection
401 East State Street Mail Code 401-07
PO Box 402
Trenton, N.J. 08625-0402

**Re: Belvidere & Delaware River Railway, Inc.
Abandonment Exemption
Milford- Hunterdon County
STB Docket No. AB 1301**

Dear Commissioner LaTourette:

On or about November 3, 2025, the Belvidere & Delaware River Railway, Inc will file with the Surface Transportation Board (STB) a Verified Notice of Exemption seeking authority to abandon a line of railroad located in Milford Borough, Hunterdon County, New Jersey. The line of railroad in question is part of USRA Line Code 1124 and extends 566.75 feet South of Milepost 35 to the under-grade stone arch bridge at Milepost 34.27. The line to be abandoned extends approximately 3,288 linear feet. It is the intention for the abandoned line to be sold to the State of New Jersey, Department of Environmental Protection, Green Acres Program. Attached is an Environmental and Historic Report describing the proposed action and any expected environmental and/or historic effects, as well as a map of the affected area.

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Sincerely



John K. Fiorilla

Enclosure

Cc: Kerry Lynn Owen, DEP Green Acres, w/enc



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gpeterperson@dyerpeterperson.com
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Jaime R. Ackerman
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Direct: 973-928-8615
NJ, NY, PA, and ME

September 17, 2025

Via First Class Mail

Michael Martucci, Regional Administrator
US Environmental Protection Agency
Region 2
290 Broadway
New York, NY 10007-1866

**Re: Belvidere & Delaware River Railway, Inc.
Abandonment Exemption
Milford- Hunterdon County
STB Docket No. AB 1301**

Dear Regional Administrator Martucci:

On or about November 3, 2025 the Belvidere & Delaware River Railway will be filing with the Surface Transportation Board (STB) a Verified Notice of Exemption seeking authority to abandon a line of railroad located in Milford Borough, Hunterdon County, New Jersey. The line of railroad in question is part of USRA Line Code 1124 and extends 566.75 feet South of Milepost 35 to the under-grade stone arch bridge at Milepost 34.27. The line to be abandoned extends approximately 3,288 linear feet. It is the intention for most of the abandoned line to be sold to the State of New Jersey, Department of Environmental Protection, Green Acres Program. Attached is an Environmental and Historic Report describing the proposed action and any expected environmental and/or historic effects, as well as a map of the affected area.

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September 17, 2025

Via First Class Mail

N.J. State Historic Preservation Officer
NJ Department of Environmental Protection
401 East State Street Mail Code 501-04
PO Box 420
Trenton, N.J. 08625-0420

**Re: Belvidere & Delaware River Railway, Inc.
Abandonment Exemption
Milford- Hunterdon County
STB Docket No. AB 1301**

Dear Sir:

On or about November 3, 2025 Belvidere & Delaware River Railway be filing with the Surface Transportation Board (STB) a Verified Notice of Exemption seeking authority to abandon a line of railroad located in Milford Borough, Hunterdon County, New Jersey. The line of railroad in question is part of USRA Line Code 1124 and extends 566.75 feet South of Milepost 35 to the under-grade stone arch bridge at Milepost 34.27. The line to be abandoned extends approximately 3,288 linear feet. It is the intention for most of the abandoned line to be sold to the State of New Jersey, Department of Environmental Protection, Green Acres Program. Attached is an Environmental and Historic Report describing the proposed action and any expected environmental and/or historic effects, as well as a map of the affected area.

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NJ, NY, PA, and ME

September 17, 2025

Via First Class Mail

US Fish and Wildlife Service
New Jersey Field Office
Atlantic Professional Park
4 East Jimmie Leeds Road Suite 4
Galloway, NJ 08205

**Re: Belvidere & Delaware River Railway, Inc.
Abandonment Exemption
Milford- Hunterdon County
STB Docket No. AB 1301**

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September 17, 2025

Via First Class Mail

The District Engineer
The Army Corp of Engineers- Philadelphia Division
1650 Arch Street
Philadelphia, PA 19103

**Re: Belvidere & Delaware River Railway, Inc.
Abandonment Exemption
Milford- Hunterdon County
STB Docket No. AB 1301**

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Toms River, NJ 08753

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NJ, NY, PA, and ME

September 17, 2025

Via First Class Mail

Steve Sims, Acting Regional Director
National Park Service- Regional Office
Interior Region- North Atlantic
1234 Market Street 20th Floor
Philadelphia, PA 19107

**Re: Belvidere & Delaware River Railway, Inc.
Abandonment Exemption
Milford- Hunterdon County
STB Docket No. AB 1301**

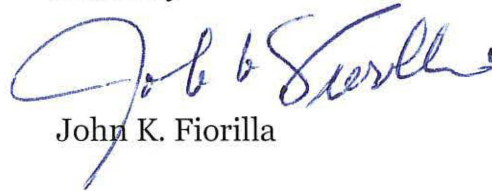
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Sincerely

A handwritten signature in blue ink, appearing to read "John K. Fiorilla", written over the printed name.

John K. Fiorilla

Enclosure



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NJ, NY, PA, and ME

September 17, 2025

Via First Class Mail

Natural Resource Conservation Service
200 Clocktower Drive
Suite 101
Hamilton Square, N.J. 08690

**Re: Belvidere & Delaware River Railway, Inc.
Abandonment Exemption
Milford- Hunterdon County
STB Docket No. AB 1301**

Dear Sir or Madam

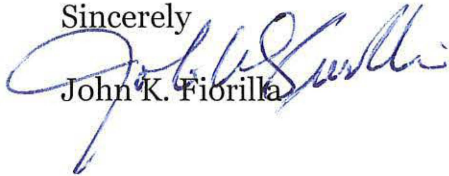
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John K. Fiorilla



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September 17, 2025

Via First Class Mail

Communication and Outreach Branch
National Geodetic Survey
Geodetic Services Division SSMC-3 #9340
1315 East West Highway
Silver Spring, MD 20910-3282

**Re: Belvidere & Delaware River Railway, Inc.
Abandonment Exemption
Milford- Hunterdon County
STB Docket No. AB 1301 X**

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Direct: 973-928-8615
NJ, NY, PA, and ME

September 17, 2025

Via First Class Mail

Mary H. Melfi, County Clerk
Hunterdon County Board of Commissioners
County Administration Building 3rd Floor
PO Box 2900
Flemington, NJ 08822-2900

**Re: Belvidere & Delaware River Railway, Inc.
Abandonment Exemption
Milford- Hunterdon County
STB Docket No. AB 1301**

Dear Ms. Melfi:

Please share this letter with the members of the Board of Commissioners.

On or about November 3, The Belvidere & Delaware River Railway will be filing with the Surface Transportation Board (STB) a Verified Notice of Exemption seeking authority to abandon a line of railroad located in Milford Borough, Hunterdon County, New Jersey. The line of railroad in question is part of USRA Line Code 1124 and extends 566.75 feet South of Milepost 35 to the under-grade stone arch bridge at Milepost 34.27. The line to be abandoned extends approximately 3,288 linear feet. It is the intention that the abandoned line to be sold to the State of New Jersey, Department of Environmental Protection, Green Acres Program. Attached is an Environmental and Historic Report describing the proposed action and any expected environmental and/or historic effects, as well as a map of the affected area.

We are providing this report so that the Board may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. In any of the information is misleading or incorrect, if the Board believes that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, DC 20423, telephone 202-245-0295 and refer to the

above docket number. Because the applicable statutes and regulations impose stringent deadlines for processing this action, the Board's written comments to OEA (with a copy to the undersigned the representative of applicant) would be appreciated within three (3) weeks.

Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact the undersigned directly. The representative of the applicant in this matter is John K. Fiorilla who may be contacted by telephone at 609-792-6851 and by mail at 322US Highway 46 W, Suite 220 E Parsippany, NJ 07054. My email address is jfiorilla@dyerpetereson.com.

Sincerely


John K. Fiorilla

Enclosure



Glenn T. Dyer
gdyer@dyerpetereson.com
Direct: 973-928-8219

Gregory E. Peterson
gpetereson@dyerpetereson.com
Direct: 973-218-1053
NJ, NY, PA, and DC

John K. Fiorilla
jfiorilla@dyerpetereson.com
Direct: 973-419-6124

973-928-8208
(phone & fax)

www.DyerPeterson.com

Offices

Main Office (all mail)
322 US Highway 46
Suite 220E
Parsippany, NJ 07054

Central Jersey Office
250 Washington Street
Suite A4
Toms River, NJ 08753

South Jersey Office
605 Main Street
Suite 104
Riverton, NJ 08077

Counsel

Ronald S. Yuro
ryuro@dyerpetereson.com
Direct: 973-841-5688
*Certified by the Supreme Court
of New Jersey as a Civil Trial
Attorney*

Associates

Matilda A. Carvajal
mcarvajal@dyerpetereson.com
Direct: 973-928-8208 x15

Jaime R. Ackerman
jackerman@dyerpetereson.com
Direct: 973-928-8615
NJ, NY, PA, and ME

September 17, 2025

Via First Class Mail

Mayor Henry R. Schnepens
Borough of Milford, N.J.
PO Box 507
Milford, NJ 08848

**Re: Belvidere & Delaware River Railway, Inc.
Abandonment Exemption
Milford- Hunterdon County
STB Docket No. AB 1301**

Dear Mayor Schnepens:

On or about November 3, 2025, the Belvidere & Delaware River Railway will be filing with the Surface Transportation Board (STB) a Verified Notice of Exemption seeking authority to abandon a line of railroad located in Milford Borough, Hunterdon County, New Jersey. The line of railroad in question is part of USRA Line Code 1124 and extends 566.75 feet South of Milepost 35 to the under-grade stone arch bridge at Milepost 34.27. The line to be abandoned extends approximately 3,288 linear feet. It is the intention the abandoned line to be sold to the State of New Jersey, Department of Environmental Protection, Green Acres Program. Attached is an Environmental and Historic Report describing the proposed action and any expected environmental and/or historic effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if the you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, DC 20423, telephone 202-245-0295 and refer to the above docket number. Because the applicable statutes and regulations impose stringent deadlines for processing this action, the Board's written comments to OEA (with a copy to the undersigned the representative of applicant) would be appreciated within three (3) weeks.

Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact the undersigned directly. The representative of the applicant in this matter is John K. Fiorilla who may be contacted by telephone at 609-792-6851 and by mail at 322 US Highway 46W Suite 220E, Parsippany, NJ 07054. My email address is jfiorilla@dyerpetererson.com.

Sincerely



John K. Fiorilla

Enclosure

ATTACHMENT 3



AD#: 0011030987

State of New Jersey,) ss
County of Middlesex)

Maria Nunez being duly sworn, deposes that he/she is principal clerk of NJ Advance Media; that Star-Ledger is a public newspaper, with general circulation in Atlantic, Burlington, Cape May, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union, and Warren Counties, and this notice is an accurate and true copy of this notice as printed in said newspaper, was printed and published in the regular edition and issue of said newspaper on the following date(s):

Star-Ledger 09/24, 10/01, 10/08/2025

Maria Nunez



Principal Clerk of the Publisher

Sworn to and subscribed before me this 08th day of October 2025

Jeanette
Kryzmaliski



Notary Public

Online Notary Public. This notarial act involved the use of online audio/video communication technology. Notarization facilitated by SIGNIX®

PUBLIC NOTICE

The Belvidere & Delaware River Railway, Inc. gives notice that on or about November 3, 2025 it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 C.F.R. § 1152 Subpart F-Exempt Abandonments permitting the abandonment of a .62 mile line of railroad, the line of railroad extends from Milepost 34.27 to a point 566.75 feet south of Milepost 35 in the Borough of Milford, Hunterdon County, New Jersey which traverses through United States Postal Service Zip Code 08848. The proceeding has been docketed as AB-1301.

The Board's office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA) which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries by writing to the Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, DC 20423 or by calling that office at 202-245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, or rail banking/trails use also can be filed with the Board.

An original and 10 copies if any pleading that raises matters other than environmental issues (such as trail use, public use and offers of financial assistance) must be filed directly with the Board's Office of Proceedings, 395 E Street SW, Washington, DC 20423-0001 (See 49 C.F.R. § 1104.1 (a) and 1104.3(a), and one copy must be served on applicants representative (See 49 C.F.R. § 1104.12(a)). Questions regarding offers of financial assistance, public use or trail use may be directed to the Board's Office of Public Assistance, Governmental Affairs and Compliance at 202-245-0238. Copies of any comments or requests for conditions should

be served on the applicant's representative:

John K. Florilla, Esq Dyer & Peterson PC
322 US Highway 46 W Suite 220
Parsippany, NJ 07054
jflorilla@dyerpetereson.com
609-792-6851
9/24, 10/1 & 8/2025 \$269.67

EXHIBIT D

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO. AB-1301 X

**BELVIDERE & DELAWARE RIVER RAILWAY COMPANY INC.
ABANDONMENT EXEMPTION-HUNTERDON COUNTY, NEW JERSEY**

COMBINED ENVIRONMENTAL AND HISTORIC REPORT

The Belvidere & Delaware River Railway Company Inc., a New Jersey Corporation ("BDR") is proposing to abandon a portion of its line of railroad (the "Subject Line") which is part of USRA Line Code 1124 running 566.75 feet South of Milepost 35 to the under-grade stone bridge at Milepost 34.27 a total distance of approximately 3,288 feet all of which is located in the Borough of Milford, Hunterdon County, New Jersey in US Postal Service Zip Code 08848. In regard thereof, BDR submits this Combined Environmental and Historical Report in compliance with the reporting requirements of the Surface Transportation Board regulations at 49 C.F.R. §§ 1105.7 and 1105.8.

- 1. PROPOSED ACTION AND ALTERNATIVES.** Describe the proposed action including the commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations and maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a reasonable detailed map and drawings clearly delineating the project.

RESPONSE: BDR proposes to abandon a portion of the Subject line which is part of USRA Line Code 1124 running 566.75 feet South of Milepost 35 to

the under-grade stone bridge at Milepost 34.27 a total distance of approximately 3,288 feet all of which is located in the Borough of Milford, Hunterdon County, New Jersey. There has been no rail traffic on the Subject Line for more than fifteen (15) years and no shippers are located on the Subject Line. The Subject Line is at the end of the BDR line and there is no overhead traffic.

As shown on Map Exhibits A & B attached to the Notice of Exemption, the portion of the abandonment in yellow which is right of way is being conveyed to the State of New Jersey, Department of Environmental Protection, Green Acres Program as public purpose land. In addition, on Exhibits A and B, the area with the redline which is not colored in yellow represents an area where BDR does not own the land but has a perpetual easement to operate of about 244 feet. BDR is also abandoning this perpetual easement which ends at approximately 566.75 feet south of Milepost 35. Since the property over which this easement runs are privately owned property the characteristics of this short 244-foot perpetual easement is not suitable for public purpose unlike the remainder of the abandonment which will be used for a public purpose by the State of New Jersey.

BDR has plans to salvage the Subject Line's rail and related track material for the length of the abandonment to be used for public purpose per its agreement

with the State of New Jersey. The short remaining portion which is a perpetual easement does not have any rail or track material. The removal of the track should not cause erosion or sedimentation of the soil.

- 2. TRANSPORTATION SYSTEM. Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger and/or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.**

RESPONSE: As noted above there has been no rail traffic for over fifteen (15) years on the Subject Line. Accordingly, the proposed abandonment would have no effect on regional or local transportation systems or patterns.

3. LAND USE

I. Based on consultation with local and/or regional planning agencies and/or review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

RESPONSE: BDR has reviewed the plans of the State of New Jersey, Department of Environmental Protection, Green Acres Program for its use of the property. Its use as part of a public park would seem to be an appropriate land use of this approximately 3000 linear feet of land when looked at with the plans the State has for adjacent properties. In addition, on September 2025 BDR notified the State of New Jersey, Department of Transportation

including its Multimodal Division which overlooks all rail freight for the State of New Jersey of BDR's intention to abandon the Subject Line in a letter and their comments solicited. As of this date BDR has not received any reply from NJDOT. If a response is received copies will be sent to the Board. BDR also advised the Borough of Milford and County of Hunterdon of its intention to abandon the Subject Line in letters dated April 1, 2020 which included copies of these reports. We are awaiting response from the County of Hunterdon or Borough of Milford. If a response is received, a copy will be provided to the Board.

II. Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

RESPONSE: BDR notes that the Subject Line ran adjacent to a paper mill which is out of business and has now been removed from the site. This property is being acquired by the State of New Jersey Department of Environmental Protection. The Subject Line is not adjacent to any prime agricultural land. The United States Department of Agriculture, Natural Resource Conservation Service was notified of the proposed abandonment by letter dated September 17, 2025 and their comments solicited. BDR will provide the Board copies of any response it receives.

III. If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9.

RESPONSE: As BDR does not believe the Subject Line is in a designated coastal zone and that it will be used as part of a park with adjacent properties it would not seem to have any effect on a Coastal Zone. However, the NJ Department of Environmental Protection, Land Use Management Section was notified by letter dated September 17, 2025 of the proposed abandonment and asked if the action would affect land or water uses and their comments solicited. BDR will provide the Board copies of any responses it receives.

IV. If the proposed action is an abandonment, state whether or not the right of way is suitable for alternative public use under 49 U.S.C. §10905 and explain why.

RESPONSE: This intention of this abandonment is to sell the Subject Line right of way to the State of New Jersey, Department of Environmental Protection, Green Acres Program to be used as part of a planned public park. BDR has already signed an agreement sent to it by the State for this purpose.

4. ENERGY

I. Describe the effect of the proposed action on the transportation of energy resources.

RESPONSE: Over the past fifteen years (15), no traffic has moved over the Subject Line. The proposed abandonment will have no effect on the transportation of energy resources.

II. Describe the effect of the proposed action on recyclable commodities

RESPONSE: Over the past fifteen years (15), no traffic has moved over the Subject Line. The proposed abandonment will have no effect on the transportation of recyclable commodities.

III. State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

RESPONSE: The proposed action will have no effect on overall energy efficiency as there have been no rail shipments of the Subject Line in the past fifteen (15) years.

IV. If the proposed action will cause diversions from rail to motor carriage of more than:

- a. 1,000 rail carloads a year, or**
- b. an average of 50 rail carloads per mile per year for any part of the affected Line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.**

RESPONSE: There are no shippers on the Subject Line and there have not been rail shipments for over fifteen (15) years. Accordingly, the proposed abandonment will have no effect on any shipper's ability to use rail and will not cause a diversion of rail traffic to motor carriage.

5. AIR

I. If the proposed action will result in either:

- a. An increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains per day on any segment of rail line affected by the proposal, or**
- b. An increase in rail yard activity of at least 100% (measured by carload activity), or**
- c. An average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions, For a proposal under 49 U.S.C. § 10901 (or § 10505) to construct a new line or re-institute service over a previously abandoned line, only the eight train a day provision in §§ (5)(i)(A) will apply.**

RESPONSE: The proposed abandonment will not result in an increase in rail traffic on any segment of the rail line affected by the proposal, an increase in rail yard activity, or an increase in truck traffic in excess of the above thresholds.

II. If the proposed action affects a Class 1 or non-attainment area under the Clean Air Act and will result in either:

- a. An increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of the rail line,**

- b. An increase in rail yard activity of at least 20% (measured by carload activity), or
- c. An average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505), or a case involving the restitution of service over a previously abandoned line, only the three train a day threshold in this Item shall apply.

RESPONSE: The proposed abandonment will not result in an increase in rail or truck traffic or rail yard activity.

III. If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills, and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

RESPONSE: No traffic has moved over this line in the last fifteen (15) years.

Accordingly, the proposed abandonment does not involve the transportation of ozone depleting materials.

6. NOISE

- I.** If any of the thresholds identified in item 5(i) of this section are surpassed state whether the proposed action will cause:
- II.** An incremental increase in noise levels of three decibels Ldn or more or

- III. an increase to a noise level of 65 decibels Ldn or greater. In so, identify sensitive receptors (e.g. schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area and quantify the noise increase for these receptors if the thresholds are surpassed.**

RESPONSE: The thresholds identified in item (5) (i) will not be surpassed.

7. SAFETY

- I. Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).**

RESPONSE: The proposed abandonment will have no adverse effect on public health or safety.

- II. If hazardous materials are expected to be transported, identify: the materials and quantify: the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicants safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.**

RESPONSE: The proposed abandonment does not involve or effect the transportation of hazardous materials.

- III. If there are any known hazardous waste sites or sites where there have been known hazardous material spills on the right-of-way, identify the location of those sites and types of hazardous materials involved.**

RESPONSE: There are no hazardous waste sites on the right of way to be abandoned nor are there any known spills on the right-of- way. Adjacent to the

right of way is an abandoned paper mill which the EPA has designated as a Super Fund site and which is being cleaned by International Paper in cooperation with the EPA. The site involves the cleanup of PCBs. BDR has been told by the purchaser of this property that its environmental tests of the property to be conveyed has not shown any environmental degradation.

8. BIOLOGICAL RESOURCES

- I. Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.**

RESPONSE: BDR does not believe that the removal of the track and track materials will have an effect on endangered or threatened species designated as a critical habitat. However, the U.S. Fish and Wildlife Service was notified by letter dated September 17, 2025 of the proposed abandonment and their comments solicited.

9. WATER

- I. Based on consultation with the State water quality officials, state whether the proposed action is consistent with applicable Federal, State, or local water quality standards. Describe any inconsistencies.**

RESPONSE: BDR does not believe that the proposed abandonment would be inconsistent with applicable Federal, State or local water quality standards. The New Jersey Department of Environmental Protection was notified for the proposed

abandonment by letter dated April 1, 2020 and their comments solicited. As of the date of this report no response has been received. BDR will provide the Board with copies of any responses it receives.

- II. Based on consultation with the U.S. Army Corp of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe effects.**

RESPONSE: BDR will not be removing soils from the right-of-way only track and track materials. There is no reason to believe that this would cause a discharge into a waterway which would require a permit under § 404 of the Clean Water Act. However, the U.S. Corp of Engineers was notified of this abandonment and their comments were solicited. As of the date of this report no response has been received. BDR will provide the Board with copies of any response it receives.

- III. State whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action. Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection agency or equivalent agency if they are unsure whether such permits are required.**

RESPONSE: BDR will do no construction on the site and will not be removing any soil. There is no reason to believe that there will be a discharge covered by § 402 of the Clean Water Act. The US EPA and the State of N.J. EPA were notified of this proposed abandonment and their comments solicited. As of the date of this

report no responses from the parties have been received. BDR will provide the Board with copies of any responses it receives.

10. PROPOSED MITIGATION. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

RESPONSE: In the past fifteen (15) years there have been no rail shipments on the Subject Line and no shippers are located on the Subject Line. Moreover, BDR does not intend to move any soil on the Subject Line. Accordingly, the proposed abandonment will not have any adverse environmental impacts in the area and no mitigating action will be necessary.

HISTORIC REPORT
49 C.F.R. § 1105.8 (d)

1. MAP

A map showing the location of the portion of the Subject Line proposed to be abandoned is attached hereto as Exhibit A and B. There are no structures on the Subject Line that are 50-years-old or older.

2. DESCRIPTION OF LINE

The area through which the Subject Line runs is sparsely populated and consists primarily of flat land. As Exhibits A and B show, on one side is the property on which there was an abandoned paper mill which is being

cleaned by International Paper and the EPA for future development. On the other side is some flat land which is immediately adjacent to the Delaware River. The Subject Line which is part of USRA Line Code 1124 runs 566.75 feet South of Milepost 35 to the under-grade stone bridge at Milepost 34.27 a total distance of approximately 3,288 feet all of which is located in the Borough of Milford, Hunterdon County, New Jersey in US Postal Service Zip Code 08848. The State of New Jersey is acquiring over 3000 linear feet of the right of way for use as a public park in conjunction with the development of the former paper mill property. The width of the right of way portion of the Subject Line to be conveyed to the State of New Jersey varies from approximately 66 feet to 75 feet at various locations. The remaining portion of the Subject Line is the release of an operating right on the portion not owned by the railroad and not colored in yellow and which is approximately 284 feet in width as shown on Exhibit A and B attached.

3. PHOTOGRAPHS

There are no structures 50 years old or older (in fact there are no structures of any age) on the Subject Line to be abandoned.

4. INFORMATION ON STRUCTURES

Because there are no structures on the Subject Line, this section is not applicable.

5. BRIEF HISTORY OF OPERATIONS.

No operational changes by BDR are contemplated as a result of the proposed abandonment. It should be noted that there has been no service on the line for fifteen (15) years. The original railroad which included the Subject Line was the Belvidere Delaware Railroad (Bel-Del_ which was chartered in 1836 and was constructed between 1850-1855 from Trenton to Belvidere. The Pennsylvania Railroad began operating the Bel-Del as the Belvidere Division in 1871 and purchased the line soon afterward. On December 31, 1957 the Pennsy merged the Bel-Del into its wholly owned subsidiary United New Jersey Railroad and Canal Company. In April, 1976 the line was obtained by Consolidated Rail Corporation (Conrail) operating between Trenton and Milford. In 1995 Conrail sold the Phillipsburg- Milford section to the applicant the Belvidere and Delaware River Railway Company Inc (BDR). The subject line was used to serve the paper plant at Milford but the plant closed in 2003 and freight service ceased soon thereafter.

As a result of the Subject line abandonment the BDR's line will terminate 566.75 feet south of Milepost 35 as shown on Exhibits A and B attached hereto.

6. ENGINEERING DOCUMENTS

Documents in BDR's possession concerning this abandonment may include valuation maps.

7. HISTORIC CRITERIA

BDR does not believe, based on readily available information in its possession, that the Subject Line meets the criteria for listing on the National Register of Historic Places. BDR does not believe that there is a likelihood of archeological resources or any other previously unknown historic railroad properties in the project areas. The State Historic Preservation Officer has not responded to the notice sent to her in September 2025.

8. GROUND DISTURBANCES

Based upon readily available information in its possession, BDR does not know of any other sub-surface ground disturbance or fill, environmental conditions (naturally occurring or man-made) that might affect archeological recovery of resources on the Subject Line to be abandoned. BDR notes that adjacent to the railroad there is property of a former paper mill which is the subject of an environmental cleanup by International Paper Company and the EPA. The location of this property is shown on Exhibits A and B attached hereto. BDR will not be involved in any subsurface excavation or salvage of the line except to remove the current rail pursuant to an agreement it has with

the State of New Jersey, Department of Environmental Protection, Green Acres Program which is purchasing all but the last 284 feet of the abandonment. BDR gave notice to the National Geodetic Survey of this Abandonment in 2025 and they have not replied.

- 9. WITHIN 30 DAYS OF RECEIPT OF THE HISTORIC REPORT, THE STATE HISTORIC PRESERVATION OFFICER MAY REQUEST THE FOLLOWING ADDITIONAL INFORMATION REGARDING SPECIFIED NONRAILROAD OWNED PROPERTIES OR GROUPS OF PROPERTIES IMMEDIATELY ADJACENT TO THE RAILROAD RIGHT-OF-WAY; PHOTOGRAPHS OF SPECIFIED PROPERTIES THAT CAN BE READILY SEEN FROM THE RAILROAD RIGHT-OF-WAY (OR OTHER PUBLIC RIGHTS-OF-WAY ADJACENT TO THE PROPERTY) AND A WRITTEN DESCRIPTION OF ANY PREVIOUSLY DISCOVERED ARCHEOLOGICAL SITES, IDENTIFYING THE LOCATION AND TUPE OF THE SITE (i.e., PREHISTORIC OR NATIVE AMERICAN).**

If any additional information is requested, BDR will provide it.

EXHIBITS E & F

John Fiorilla



From: Conover, Ross R <ross_conover@fws.gov> on behalf of Conover, Ross R
Sent: Monday, September 22, 2025 10:13 AM
To: jfiorilla@dierpeterson.com
Subject: USFWS consultation request

Hi John-

We received your project information regarding the Belvidere & Delaware River Railway. To complete a consultation with the USFWS, you should follow our project review guidelines, which can be found here: <https://www.fws.gov/office/new-jersey-ecological-services/new-jersey-field-office-project-review-guide>

Depending on the results of your official IPaC species list and the determination keys, you will be directed as to whether this project requires further consultation with our office.

Let me know if you have additional questions,

ross

Ross R. Conover
Assistant Supervisor
New Jersey Field Office
U.S. Fish & Wildlife Service
4 E. Jimmie Leeds Rd, Suite 4
Galloway, NJ 08205
Office: (609) 382-5280
Cell: (609) 742-1428



Working with others to conserve, protect and enhance
fish, wildlife, plants and their habitats for the continuing
benefit of the American people.

John Fiorilla

From: Conover, Ross R <ross_conover@fws.gov> on behalf of Conover, Ross R
Sent: Monday, September 22, 2025 2:17 PM
To: John Fiorilla
Cc: KEAN BURENGA
Subject: Re: [EXTERNAL] RE: USFWS consultation request

John-

There is not an exemption to the Endangered Species Act (ESA) and hence, it would still apply to actions that could adversely impact T&E species.

Pursuant to 49 CFR § 1105.7 (e)(8)(i) "**Based on consultation with the U.S. Fish and Wildlife Service**, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects."

Thus, consultation should be completed either through Section 7 (federal nexus) or technical assistance (no federal nexus) in the ESA.

If the track is being removed as stated in the report, this action may affect T&E species and hence, it is recommended that you obtain an official species list through IPaC to facilitate a determination of effects (both direct and indirect) on species that may be in that area.

This can be done by following the project guide as previously mentioned, which can be found here:
<https://www.fws.gov/office/new-jersey-ecological-services/new-jersey-field-office-project-review-guide>

Thanks,
ross

Ross R. Conover
Assistant Supervisor
New Jersey Field Office
U.S. Fish & Wildlife Service
4 E. Jimmie Leeds Rd, Suite 4
Galloway, NJ 08205
Office: (609) 382-5280
Cell: (609) 742-1428



Working with others to conserve, protect and enhance
fish, wildlife, plants and their habitats for the continuing
benefit of the American people.

From: John Fiorilla <jfiorilla@dyerpeterperson.com>
Sent: Monday, September 22, 2025 11:29 AM
To: Conover, Ross R <ross_conover@fws.gov>



John Fiorilla

From: John Fiorilla
Sent: Monday, September 22, 2025 11:30 AM
To: 'Conover, Ross R'
Cc: 'KEAN BURENGA (kburenga@brwrr.com)'
Subject: RE: USFWS consultation request

Importance: High

Mr. Conover- Pursuant to 49 CFR § 1105.7 (b) (6) a party applying to abandon track need only provide the Environmental Report required by the STB to your agency. We have provided this report.. We have no obligation to determine what if any species are on the property. We have no way of doing so and this is the first time your agency requested this. Since it is not required by federal law and regulation we are not providing it. However if you want to view the property we would be glad to set up an appointment for a member of your agency to view the property and will be glad to accompany that person so that the review can be made in a safe manner. Please be guided accordingly.

JKF

John K. Fiorilla, Esq.

Chair, Transportation Law Group

Dyer & Peterson P.C.

322 U.S. Highway 46, Suite 220E

Parsippany, New Jersey 07054

Direct: (973) 419-6124 (p)(f)

Cell (609) 792-6851

Dyer & Peterson, P.C.

605 Main Street, Suite 104

Riverton, New Jersey 08077

MOST MEN WHO HAVE REALLY LIVED HAVE HAD, IN SOME SHARE, THEIR GREAT ADVENTURE. THIS RAILWAY IS MINE. JAMES JEROME HILL, "THE EMPIRE BUILDER

From: Conover, Ross R <ross_conover@fws.gov>
Sent: Monday, September 22, 2025 10:13 AM

John Fiorilla

From: John Fiorilla
Sent: Monday, September 22, 2025 3:16 PM
To: 'Conover, Ross R'
Cc: 'KEAN BURENGA'
Subject: RE: [EXTERNAL] RE: USFWS consultation request

The tracks were removed some years ago on the section involved. There are no species we know of on the property. Again if you want to come and take a look we will make sure you can review it.

JKF

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From: Conover, Ross R <ross_conover@fws.gov>
Sent: Monday, September 22, 2025 2:17 PM
To: John Fiorilla <jfiorilla@dyerpeterperson.com>
Cc: KEAN BURENGA <kburenga@brwrr.com>
Subject: Re: [EXTERNAL] RE: USFWS consultation request

John-