

#EB-3156

**SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS**

**SUPPLEMENTAL FINAL
ENVIRONMENTAL ASSESSMENT**

ENVIRONMENTAL RECOMMENDATIONS IN
DOCKET NO. AB 1273X

September 24, 2019

ABANDONMENT TYPE

The time for comments on the Environmental Assessment (EA) has expired in this:
() Notice of Exemption (X) Petition for Exemption () Regulated Abandonment

Recommendation: Remove Section 106 Condition and CZMA Condition

In this proceeding, New York & Greenwood Lake Railway (NYGL) filed with the Surface Transportation Board (Board) a petition for exemption under 49 U.S.C. § 10502 from the prior approval requirements of 49 U.S.C. § 10903 seeking to abandon approximately 1.1 miles of rail line extending between milepost 0.0 and milepost 1.1 in Bergen and Passaic Counties, New Jersey.

By decision served on September 5, 2019, the Board imposed three conditions that require NYGL to do the following: (a) consult with the New Jersey Coastal Management Program and obtain state coastal management consistency certification. NYGL shall not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until it reports in writing to OEA the results of the consultation and the Board has removed this condition; (b) consult with the Bergen County Department of Planning and Engineering prior to initiating salvage activities to discuss where salvage would occur in relation to future road improvements; and (c) to retain its interest in and take no steps to alter the historic integrity of all historic properties, including sites, buildings, structures and objects within the project right-of-way (the Area of Potential Effect) eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process of the National Historic Preservation Act. NYGL shall report back to OEA regarding any consultations with the State Historic Preservation Office (SHPO) and the public and shall not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

Comments

By the attached email dated September 13, 2019, the New Jersey Coastal Zone Management Program (CZMP) commented that there is no need to obtain a consistency determination because NYGL's salvage procedure would be of limited scope and would not involve any clearing or grading of the right-of-way nor any alterations to the bridge. CZMP cautioned however that permits may be required if the scope of work changes beyond NYGL's

described and limited salvage procedure. Accordingly, OEA has determined that the Board has satisfied its responsibilities under the Coastal Zone Management Act (16 U.S.C. § 1451 et seq.) and CZMP's coastal management consistency certification process and recommends that condition a imposed in this proceeding be removed.

By the attached letter dated September 12, 2019, the SHPO commented that, after applying the criteria of adverse effect at 36 C.F.R. § 800.5(a)(1), it is of the opinion that the proposed abandonment would have no adverse effect on any properties, districts or archaeological or cultural resources of significance that are listed in or may eligible for listing in the National Register. Accordingly, OEA has determined that, pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.5(b), and following consultation with the SHPO and the public, the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 C.F.R. § 800.11(e), consists of the railroad's historic report, all relevant correspondence, the EA, the Final EA and this Supplemental Final EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at <http://www.stb.gov>. This completes the Section 106 process and OEA recommends that condition c imposed in this proceeding be removed.

Conclusion

OEA recommends that the one remaining condition (condition b) be retained as it pertains to salvage and does not pose a barrier to consummation. The condition is:

(b) NYGL shall consult with the Bergen County Department of Planning and Engineering prior to initiating salvage activities to discuss where salvage would occur in relation to future road improvements.

OEA concludes that if the above condition is retained, the proposed action would not significantly affect the quality of the human environment.

Attachments

OEA CONTACT: Diana Wood
202-245-0302
Diana.Wood@stb.gov

Distribution: Office of Proceedings
NYGL
ECT

#E1-26681

Wood, Diana

From: Hassell, Kevin <Kevin.Hassell@dep.nj.gov>
Sent: Friday, September 13, 2019 10:42 AM
To: Wood, Diana
Subject: Re: AB 1273X Rail Line Abandonment in Passaic, NJ

Hi Diana,

Sorry I was out of the office yesterday. In consulting further on the project and based on the description of work with no grading or alterations of the bridge there is no need for the salvage activity to obtain a consistency determination. If any activities in the future are outside of the scope of the salvage described, state permits may be required. Please let me know if you need anything further on this project.

Kevin

From: Wood, Diana <Diana.Wood@stb.gov>
Sent: Thursday, September 12, 2019 8:05 AM
To: Hassell, Kevin <Kevin.Hassell@dep.nj.gov>; DEP NJCZM <NJCZM@dep.nj.gov>
Subject: [EXTERNAL] RE: AB 1273X Rail Line Abandonment in Passaic, NJ

Kevin,

Just following up on your earlier comment from about a month ago indicating that you would consult with other DEP offices to determine if any action would be needed regarding CZMA requirements and then get back to me. If there are no other issues, could you please let me know in an email that the project is consistent with NJ's CZMA requirements and that no further consultation is needed so the CZMA condition may be removed and the railroad can salvage the line and remove the tariffs.

If I don't hear back from you within the next three business days (by Tuesday September 17th), I'll follow-up with Kim Spears as well as the CZM general contact email as you may no longer be the point of contact for this project.

Thanks
Diana
Diana F Wood
Office of Environmental Analysis
US Surface Transportation Board



HPO Project 19-2192-4
HPO-I2019-110
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State of New Jersey
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CATHERINE R. McCABE
Commissioner

Diana F Wood
Office of Environmental Analysis
US Surface Transportation Board
395 E Street SW
Washington DC 20423
Diana.Wood@stb.gov

September 12, 2019

Dear Ms. Wood:

As Deputy State Historic Preservation Officer for New Jersey, in accordance with 36 CFR 800: Protection of Historic Properties, as published in the Federal Register on December 12, 2000 (65 FR 777698-77739) and as amended on July 6, 2004 (69 FR 40544-40555), I am providing consultation comments for the following proposed project:

**Passaic County, City of Passaic and Bergen County, City of Garfield
New York & Greenwood Lake Railway (NYGL)
Abandonment of Railroad Right of Way, milepost post 0.0 and milepost 1.1
Surface Transportation Board (STB)**

Summary: The abandonment of the NYGL railroad (Formerly Bergen and Dundee Branch - New York, Lake Erie & Western Railroad) between milepost 0.0 and 1.1 will not adversely affect historic properties listed on or eligible for listing on the National Register of Historic Places. It is the opinion of the New Jersey Historic Preservation Office (HPO) that numerous industrial buildings along this railroad may constitute an historic district eligible for listing on the National Register of Historic Places.

The consultation comments below are in reply to your *Final Environmental Assessment, Environmental Recommendations in Docket No. AB 1273X* dated and received August 20, 2019. This was submitted to the HPO for review and comment pursuant to Section 106 of the National Historic Preservation Act.

800.4 Identification of historic properties

The HPO had previously identified six (6) industrial buildings along the NYGL that are likely eligible for listing on the New Jersey and National Registers of Historic Places (D2007-10). In addition to these six previously identified resources, there are several other late nineteenth and early twentieth century industrial buildings associated largely with the textile industry, but also

other industries such as cigar making, wire making, printing and rubber manufacturing, all concentrated where the Dundee Canal and the former Bergen and Dundee Branch of the Erie Railroad (NYGL) converge. This industrial district represents the peak of manufacturing production in the City of Passaic. Additionally, the textile mills along the Dundee Canal gained national attention in 1926 for the largest textile strike in US history. Therefore, it is likely that this area along the NYGL is a National Register eligible industrial historic district under criterion A for industrial history and criterion C for architecture. More information is needed before the HPO can assess the existing integrity of an industrial historic district. Finally, this area is likely eligible under criterion D related to the archaeological remains of the Dundee Canal formerly located under what is now Canal and South Streets, as well as other potential precontact and colonial period archaeological resources. However, further research is required to confirm the presence of contributing archaeological deposits. Please see the attached historic resources map delineating the potential historic district boundaries.

800.5 Assessment of adverse effects.

It is the opinion of the HPO that the proposed abandonment and potential removal of remaining rails and ties of the Former Bergen and Dundee Branch - New York, Lake Erie & Western Railroad will have no adverse effect to historic resources. The potential removals will be too shallow to potentially effect below ground resources; the adjacent buildings will not be visually, aesthetically, or physically effected; and the line itself has lost its integrity overtime, having virtually no character defining features remaining. This is consistent with the HPO findings of April 3, 2007 (D2007-10) when the adjoining section of NYGL, from mile posts 1.1 to 1.8, was abandoned.

Additional Comments

Thank you again for providing this opportunity for review and comment on the potential for this project to affect historic architectural and archaeological resources. Please reference the HPO project number 19-2192 in any future calls, emails, submissions, or written correspondence to help expedite your review and response. If you have any questions, please feel free to contact Vincent Maresca 609-633-2395 or vincent.maresca@dep.nj.gov regarding archaeological resources or Jennifer Balson Alvarez at 609-633-2397 or jennifer.alvarez@dep.nj.gov regarding architectural resources.

Sincerely,



Katherine J. Marcopul
Deputy State Historic Preservation Office

cc: Ms. Carlough, Clark Hill PLC (scarlough@clarkhill.com)
Honorable Hector C. Lora, Mayor of the City of Passaic (mayor@cityofpassaicnj.gov)

JBA/VM/KC/KJM