

HED-3112

**SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS**

FINAL ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN
DOCKET NO. AB 1273X

August 20, 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

() **NO NEW COMMENTS WERE RECEIVED**

(X) **NEW COMMENTS WERE RECEIVED**

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. The Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) served an Environmental Assessment (EA) for this proceeding on July 19, 2019 for public review and comment. In the EA, OEA recommended three environmental conditions and concluded that the proposed action would not significantly impact the quality of the human environment.

Comments on the EA

OEA received two comment letters/emails during the 30-day comment period. Comment summaries are provided below.

Commenter 1. By the attached email dated August 19, 2019, the New Jersey Department of Environmental Protection's (DEP) Office of Policy and Coastal Zone Management (OPCZM) confirmed that the area of the proposed abandonment is located in the coastal zone management area and is therefore subject to the Coastal Zone Management Act (16 U.S.C. § 1451 et seq.). OPCZM is in the process of conferring with other DEP offices to determine what, if any, permits may be needed for salvage and will provide this information when it becomes available. Accordingly, OEA is retaining the recommended coastal zone condition from the EA until the consultation process has been completed and the condition can be removed.

Commenter 2. By the attached letter to NYGL's counsel dated April 24, 2019 and filed with the Board on August 1, 2019, the New Jersey Department of Environmental Protection's Historic Preservation Office (State Historic Preservation Office or SHPO) commented that there are numerous late nineteenth and early twentieth century industrial buildings associated with the textile, printing, cigar making and wire making industries located in the area where the Dundee

Canal and the former Bergen and Dundee Branch of the Erie Railroad (now NYGL) converge. The SHPO indicates that this area is potentially eligible for inclusion in the National Register of Historic Places (National Register) as an industrial historic district because it represents the peak of manufacturing production in the City of Passaic. The SHPO adds that the textile industry gained national attention during the 1926 Passaic textile strike and that the area along the NYGL abandonment line may constitute a National Register eligible industrial historic district under criteria A for industry history and C for distinctive characteristics of a type of architecture. The area is also likely eligible for National Register listing under Criterion D for archaeological remains associated with the remains of the Dundee Canal formerly located under what is now Canal and South Streets, as well as other precontact and colonial period archaeological resources. As the SHPO has not yet formulated an opinion as to the type of effect the proposed abandonment would have these resources, OEA is retaining the recommended Section 106 condition from the EA until the consultation process has been completed and the condition can be removed.

Conclusion

The EA comment period has ended. Accordingly, OEA recommends that the following conditions should be imposed upon any decision granting abandonment authority. The conditions are:

1. Pursuant to the Coastal Zone Management Act (16 U.S.C. § 1451 *et seq.*) and the Surface Transportation Board's (Board) environmental regulations at 49 C.F.R. § 1105.9, the New York & Greenwood Lake Railway (NYGL) shall consult with the New Jersey Coastal Management Program and obtain state coastal management consistency certification. NYGL may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until it reports the results of these consultations in writing to the Board's Office of Environmental Analysis and the Board has removed this condition.
2. New York & Greenwood Lake Railway (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.
3. New York & Greenwood Lake Railway (NYGL) shall 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) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 54 U.S.C. § 306108, has been completed. NYGL shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the New Jersey Department of Environmental Protection's Historic Preservation Office (SHPO) and the public. NYGL may 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.

OEA concludes that if the above conditions are imposed, 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
Kevin Hassell, NJDEP, Office of Coastal Policy and Management
Vincent Maresca, NJDEP, Historic Preservation Office
Jennifer Alvarez, NJDEP, Historic Preservation Office

HEI-26653

Wood, Diana

From: Hassell, Kevin <Kevin.Hassell@dep.nj.gov>
Sent: Monday, August 19, 2019 4:39 PM
To: Wood, Diana
Subject: NYGL project

Diana,

I did find the project location is below the head of tide so, it would be within the coastal zone. As mentioned I reached out to some counterparts in the permitting group to see what similar issues they've had. Based on the lack of disturbance I don't think the abandonment would be a problem, but any work that takes place at or near tidal waters may need a permit. I'll let you know when I hear more.

Kevin

Kevin Hassell, Environmental Specialist 3
NJ Department of Environmental Protection
Office of Policy and Coastal Management
401 East State St, 7W
Mail Code 401-07C, PO Box 420
Trenton, NJ 08625-0420
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Kevin.Hassell@dep.nj.gov



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HPO Project 19-2192-1
HPO-D2019-228
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State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

CATHERINE R. McCABE
Commissioner

April 24, 2019

Sloane S. Carlough
Clark Hill PLC
1001 Pennsylvania Avenue, Suite 1300
Washington, DC 20004

RE: New York & Greenwood Lake Railway (NYGL) abandonment
Passaic County, City of Passaic and Bergen County, City of Garfield

Dear Ms. Carlough:

The Historic Preservation Office (HPO) is in receipt of your request for technical assistance and comment regarding the above-referenced project, which involves the abandonment of the New York & Greenwood Lake Railway (NYGL) between mile post 0.0 and mile post 1.1. Your request was received by the HPO on March 25, 2019 and was dated March 21, 2019.

As requested in your letter 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. Please see attached HPO correspondence dated April 3, 2007 regarding the abandonment of sections 1.1 to 1.8 of the NYGL (D2007-10) and attached historic resources map. In addition to these six previously identified resources, there are numerous other late nineteenth and early twentieth century industrial buildings associated largely with the textile industry, but also other industries such as printing, cigar making and wire making, all concentrated where the Dundee Canal and the former Bergen and Dundee Branch of the Erie Railroad (NYGL) converge. This area is potentially eligible for the National Register as an industrial historic district because it represents the peak of manufacturing production in the City of Passaic. Additionally, the textile industry in Passaic gained national attention during the 1926 Passaic textile strike. Therefore, this area along the NYGL line may constitute a National Register eligible industrial historic district under criteria A for industrial history and C for distinctive characteristics of a type of architecture. It is a similar resource to the Dundee Canal Industrial Historic District (NJR 11/5/1998 and NR 1/21/1999) just north of the project area and could be either an extension of that historic district or a historic district in its own right. 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.

According to your letter of March 21, 2019 the NYGL Railway is in the planning stages of filing a petition for exemption with the Surface Transportation Board (STB) for the proposed abandonment of this section of the NYGL, therefore there is no federal funding, licensing, or permits required at this time. The HPO reviews projects for their effects on historic resources when federal funding, licensing, or permitting is involved. The HPO also reviews projects requiring Freshwater Wetlands, Waterfront Development, Upland Development, CAFRA, and Highland Preservation Area Approval permits issued by the State of New Jersey's Division of Land Use Regulation, as well as environmental assessments under Executive Order 215.

If the project is subject to regulatory review, an intensive-level survey is required to satisfy an agency's regulatory responsibilities in accordance with the HPO's Guidelines for Architectural Survey (1999). A reconnaissance-level survey does not provide sufficient information to make decisions about a property's eligibility. The study area should include the geographic area within which an undertaking may directly or indirectly cause alterations in the character, setting, or use of historic properties, if any such properties exist. Additional consultation with the HPO regarding the definition of the study area is recommended if/when the project is subject to regulatory review.

Additional Comments

This information is provided as informal notes to you and does not constitute identification-level cultural resources survey under Section 106 of the National Historic Preservation Act or other law or regulation. Further identification of cultural resources may be required under one or more historic preservation review processes depending on project funding, licensing, or permitting.

Thank you again for providing this opportunity for review and comment on the potential for this project to affect historic 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 609-292-1913 or jennifer.alvarez@dep.nj.gov regarding architectural resources.

Sincerely,



Katherine J. Marcopul
Deputy State Historic Preservation Office

cc: Honorable Hector C. Lora, Mayor of the City of Passaic (mayor@cityofpassaicnj.gov)

JBA/KC/VM/KJM



HPO-D2007-10 PROID
Log # 07-0747-1, 2, and 3

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JON S. CORZINE
Governor

State of New Jersey
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Natural and Historic Resources, Historic Preservation Office
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LISA P. JACKSON
Commissioner

April 3, 2007

Mr. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

Attention: Section on Environmental Analysis

Dear Mr. Williams:

As Deputy State Historic Preservation Officer for New Jersey, in accordance with 36 CFR Part 800: Protection of Historic Properties, as published in the *Federal Register* on December 12, 2000 (65 FR 77725-77739) and amended on July 6, 2004 (69 FR 40544-40555), I am providing Consultation Comments for the following proposed action:

Surface Transportation Board (STB) Number AB 10006X
New York and Greenwood Lake Railway
(formerly Bergen and Dundee Branch - New York, Lake Erie, & Western Railroad)
Abandonment of Railroad Right of Way, milepost 1.1 to milepost 1.8
City of Passaic, Passaic County, New Jersey.

SUMMARY: The abandonment of the former Bergen and Dundee Branch of the New York, Lake Erie, and Western (Erie) Railroad between mileposts 1.1 and 1.8, currently operated as the New York and Greenwood Lake Railway, will not adversely affect historic properties listed on or eligible for listing on the National Register of Historic Places.

800.4 Identification of Historic Properties

At least six (6) large industrial buildings or industrial complexes, eligible or potentially eligible for listing on the National Register of Historic Places (NRIIP), abut the segment of the railroad right of way proposed for abandonment. Two of these buildings (industrial complexes) have previously been evaluated as eligible for listing on the National Register of Historic Places by the 1984 City of Passaic historic sites survey:

212 Passaic Street, a 3-story, 15 bay brick industrial mill building, built circa 1870, and a part of the larger Waterhouse Brothers woolen mill complex that occupies the property parallel to and abutting the railroad right of way along the Dundee Canal; and

219 Passaic Street, a 4-story, brick industrial building, formerly a part of the New York Belting and Packing Company, described by the City of Passaic historic sites survey as the "first rubber manufactory in the United States."

The City of Passaic historic sites survey also evaluated four other buildings abutting the railroad right of way as "buildings of major importance" to the City of Passaic and today these surviving buildings would very likely be considered potentially eligible for listing on the National Register of Historic Places:

79 South Street (between 6th and 7th), a 5-story rectangular brick building with a "unique stylistic treatment" and possessing original integrity;

125 South Street (between 5th and 3rd), a 2-story horizontal brick industrial building, built circa 1888;

1 Market Street, a massive 7-story industrial building characterized by "modernist architecture" defined by concrete piers and "projecting bays above the roofline";

2 Market Street, a 4-story industrial building divided into 6 bays by massive brick pilasters with cast stone bases.

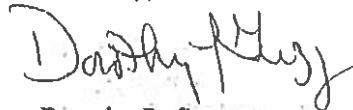
In current aerial photographs, all of the above six (6) buildings appear to be intact as described and illustrated by the 1984 City of Passaic historic sites survey.

800.5 Assessment of Adverse Effects

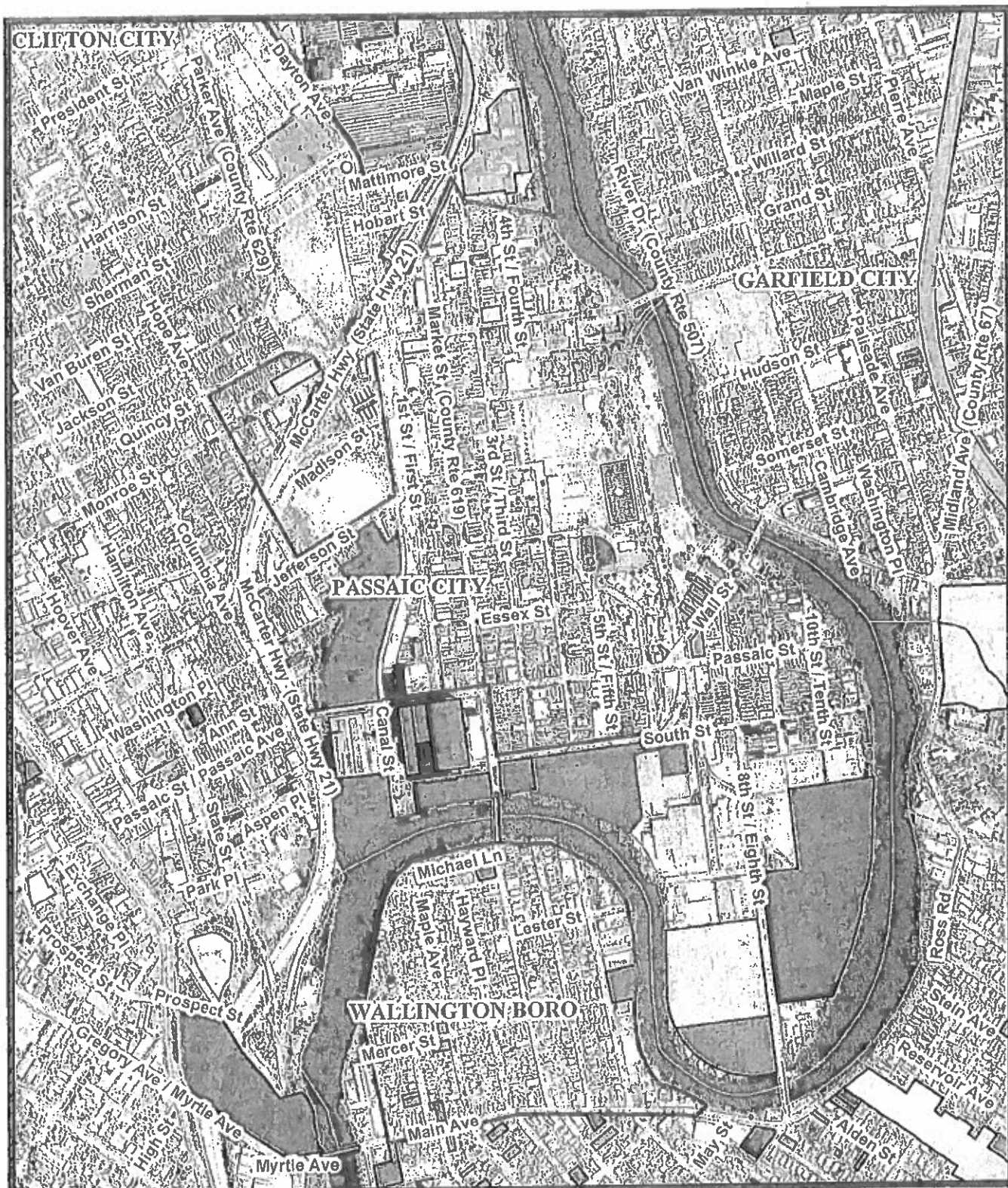
West of approximately the intersection of 5th Street and South Street, the railroad right of way is not clearly delineated in block and lot tax maps and 2006 aerial photographs do not reveal the presence of an intact railroad with track or grade crossings. The right of way and its relation to the industrial buildings abutting the right of way can easily be seen in the aerial photographs. Because the apparent absence of any railroad track appears to preclude service to the identified historic buildings and the right of way, even without track or structures, does not appear to be a surviving remnant of a previously significant railroad line (the former Bergen and Dundee Branch railroad), I concur with the conclusion that the abandonment of the former Bergen and Dundee Branch of the Erie Railroad between mileposts 1.1 and 1.8, currently operated as the New York and Greenwood Lake Railway, will not adversely affect any properties listed on or eligible for listing on the National Register of Historic Places.

If you have any questions regarding the assessment of historic resources or effects, please contact Charles Scott at (609) 633-2396.

Sincerely,



Dorothy P. Guzzo
Deputy State Historic
Preservation Officer



Historic Resources Map

Passaic City
Passaic County, New Jersey

Boundary and Tax Map

Scale: 1:10,000
0 200 400 600 Feet
Datum: NAD 1983 State Plane New Jersey

- | | |
|----------------------------|---------------------------------|
| National Historic Landmark | National Historic Landmark INDV |
| Listed | National Historic Landmark HD |
| NR Eligible | Listed INDV |
| Locally Designated | Listed HD |
| Identified | Eligible INDV |
| | Eligible HD |
| | Local Landmark |
| | Locally Designated HD |
| | Identified INDV |
| | Identified HD |



NJDEP,
Historic Preservation Office
April 2019