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September 30, 2013

VIA ELECTRONIC FILING

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

**234915
ENTERED
Office of Proceedings
September 30, 2013
Part of
Public Record**

Re: **The New York, Susquehanna & Western
Railway Corporation - Exempt Abandonment -
Passaic and Morris Counties
STB Docket No. AB-286 (Sub No. 7X)
Supplement to Environmental and Historic Report**

Dear Ms. Brown:

Since the Environmental and Historic Report (the "Report") was filed in this proceeding on September 9, 2013, the Applicant has received two additional responses to its consultations with agencies:

- 1) On September 11, 2013, Applicant received a letter from the NRCS advising that they have no concerns regarding abandonment's impact on the environment as long as work is limited to within the existing rail bed. NRCS suggested that the Applicant contact Highlands Council for its input. A copy of the Report was sent to Highlands Council on September 12, 2013.

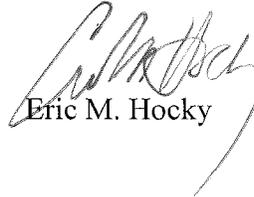
Cynthia T. Brown
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- 2) On September 24, 2013, Applicant received a letter from the Highlands Council advising that based upon the Report, the project does not require review from the Council. The Council also requested copies of any additional submissions that are made to the NJDEP Historic Preservation Office, and Applicant will do so if any are required.

Copies of the responses, as well as an updated Response Log (Ex. C to the Report), are enclosed with this letter.

Very truly yours,

CLARK HILL THORP REED



Eric M. Hocky

EMH/cdl
Enclosures

cc: All parties on enclosed service list
Nathan R. Fenno

The New York, Susquehanna and Western Railway Corporation - Abandonment - Wayne and Morris Counties, NY
 STB Docket No. AB-286 (Sub-No. 6X)
RESPONSE LOG

<u>AGENCY</u>	<u>ACTION</u>	<u>RESPONSE</u>
New Jersey Office of GIS P.O. Box 212 200 Riverview, 4 th Floor Trenton, NJ 08625	Sent consult letter 7/29/13	
State of New Jersey Department of Environmental Protection Green Acres Program Mail Code 501-01 P.O. Box 420 Trenton, NJ 08625-0420	Sent consult letter 7/29/13	
State of New Jersey Department of Environmental Protection Division of Land Use Regulation Mail Code 501-02A P.O. Box 420 Trenton, NJ 08625-0420	Sent consult letter 7/29/13	<p>9/5/13 – Telephone call from Richard Langbein (609-292-9044). Per Mr. Langbein, if we are only removing rails and ties, there should not be a problem and the area is not in a coastal area, however, there could be other environmental concerns or historical concerns. He will pass letter along to Dan Saunders, an environmental specialist and also to the historical department of the DEP for their input.</p> <p>9/6/13 – Per email from Chris Squazzo, as long as trees and shrubs are not removed, there is no need for permits. There are some possible issues regarding the creation of trails, but that would not affect the proposed abandonment.</p> <p>Per email from Dan Saunders, we may need to file a report under Section 106 regarding the historical aspect of the proposed abandonment.</p>

<p>Louis E. Imhof, III Clerk to the Board of Chosen Freeholders Passaic County Administration Building Freeholder's Office 401 Grand Street Paterson, NJ 07505</p>	<p>Sent consult letter 7/29/13</p>	<p>8/29/13 – Telephone call from Michael Lisicatos from the Planning Commission (973-569-4047). At this time, they are raising no environmental issues regarding the abandonment. However, they would like to make comments regarding the use of the land following the abandonment. He needs to speak with other members of the planning commission during the week of 9/2 and they will issue a letter with their comments. He agreed that for purposes of the environmental report, our telephone conversation will suffice.</p>
<p>Thomas J. Mastrangelo, Freeholder Director Morris County Board of Chosen Freeholders Morris County Administration & Records Building P.O. Box 900 Morristown, NJ 07963-0900</p>	<p>Sent consult letter 7/29/13</p>	
<p>U.S. EPA Region 2 290 Broadway New York, NY 10007-1866</p>	<p>Sent consult letter 7/29/13</p>	

<p>U.S. Fish and Wildlife Service New Jersey Ecological Services Field Office 927 North Main Street, Building D Pleasantville, NJ 08232-1454</p>	<p>Sent consult letter 7/29/13</p>	<p>8/2/13 – Voice mail from Dennis Hamlin in response to letter.</p> <p>8/2/13 – Email from Dennis Hamlin enclosing form that needs completion regarding abandonment.</p> <p>8/20/13 – Review website for information regarding Indiana bat habitat concerns; email to Applicant enclosing tree removal restrictions and asking if trees were removed, if it would follow prescribed restrictions.</p> <p>8/21/13 – Email from Applicant: trees not likely to be removed, but will follow restrictions, if necessary.</p> <p>8/22/13 – Email to D. Hamlin regarding response from Applicant.</p> <p>8/23/13 – Received approval from Fish & Wildlife Service.</p>
<p>U.S. Fish and Wildlife Service Resident Agent in Charge 1210 Corbin Street, 2nd Floor Elizabeth, NJ 07201-2946</p>	<p>Sent consult letter 7/29/13</p>	
<p>U.S. Army Corps of Engineers Philadelphia District The Wanamaker Building 100 Penn Square East Philadelphia, PA 19107-3390</p>	<p>Sent consult letter 7/29/13</p>	

U.S. National Park Service Northeast Region Dennis Reidenbach, Regional Director U.S. Customs House 200 Chestnut Street, 5 th Floor Philadelphia, PA 19106	Sent consult letter 7/29/13	
Carrie Mosley, State Conservationist USDA – NRCS 220 Davidson Ave., 4 th Floor Somerset, NJ 08873	Sent consult letter 7/29/13	9/11/13 – Letter advising that they have no concerns regarding abandonment’s impact on the environment as long as work is limited to existing rail bed. She suggested we contact Highlands Council for its input (copy of report sent to Highlands Council on 9/12/13).
Morris County Soil Conservation District P.O. Box 900 Morristown, NJ 07963	Sent consult letter 7/29/13	
NRCS Service Center Hackettstown Commerce Park Building 1 101 Bilby Road Hackettstown, NJ 07840	Sent consult letter 7/29/13	8/28/13 – Telephone call from Evan Mattlinger. There are no issues and no problems with proposed abandonment. Letter will be forthcoming, but it will be late. (908) 782-4614 x3
Communications and Outreach Branch NOAA, N/NGS12 National Geodetic Survey, SSMC3 #9202 1315 East West Highway Silver Spring, MD 20910-3282	Sent consult letter 7/29/13	

<p>Martin Rosen, Manager NJ Coastal Management Office 401-07D P.O. Box 420 401 East State Street Trenton, NJ 08625</p>	<p>Sent consult letter 7/29/13</p>	
<p>The New Jersey Historical Society 52 Park Place Newark, NJ 07102</p>	<p>Sent consult letter 7/29/13</p>	
<p>Highlands Council 100 North Road (Route 513) Chester, NJ 07930</p>	<p>Per NRCS request, sent copy of Env./Hist. report on 9/12/13 requesting comments.</p>	<p>9/24/13 - letter received from the Highlands Council advising that based upon the Report, the project does not require review from the Council. The Council also requested copies of any additional submissions that are made to the NJDEP Historic Preservation Office.</p>

United States Department of Agriculture



Natural Resources Conservation Service
220 Davidson Ave., 4th Floor
Somerset, NJ 08873

www.nj.nrcs.usda.gov

August 27, 2013

Carol D. Lydon
Clark Hill Thorp Reed
One Commerce Square
2005 Market Street
Suite 1000
Philadelphia, PA 19103

Dear Ms. Lydon,

I am writing you in response to your letter dated July 29, 2013. In this letter feedback from several environmental agencies was requested in regards to the proposed abandonment of the New York, Susquehanna and Western Railway (NYS&W) Pompton Industrial segment. Specifically, the desired feedback was for each agencies environmental concerns for this project.

The United States Department of Agriculture's Natural Resources Conservation Service (USDA-NRCS) has reviewed the project location through available GIS mapping and data sources as well as internal technical specialists within the agency and have included the findings in the below text.

GIS layers show the area to have historic/cultural resources in close proximity to the proposed project area. These findings were discussed with NRCS's Cultural Resources Specialist who indicated that the proposed activity would not have any impacts to historic/cultural resources within the project area so long as excavation of the site does not occur. If excavation is needed the State Historic Preservation Office should be contacted prior to commencement of these activities.

The project area is located within the Highlands Planning area. It appears on the "Service List" attachment that the Highlands Council did not receive a copy of the July 29, 2013 letter. NRCS recommends requesting comment from the Highlands Council as special rules and regulations apply to protect water quality in this sensitive environmental area.

According to GIS layers and the NRCS Biologist no threatened or endangered plant and animal habitat exists within the proposed project area. Habitat does exist however in close proximity to the project area. If work is to occur outside of the rail bed the New Jersey Department of Environmental Protection, New Jersey Division of Fish and Wildlife and the United States Fish and Wildlife Service should be contacted for potential impacts to sensitive habitat.

According to the New Jersey Department of Environmental Protection's wetland map and NRCS's Soil Survey wetlands do not occur within the project area (railroad bed itself) however

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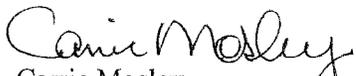


do occur immediately adjacent. Disturbance to the adjacent wetlands should be avoided. All wetlands in New Jersey are regulated, therefore if any wetlands will be disturbed the New Jersey Department of Environmental Protection should be contacted as potential permits and/or mitigation may be needed.

Overall NRCS feels that proposed activity of removing the rails and ties from the NYS&W Pompton Industrial segment should have no negative impacts to the environment so long as the work is limited to within the existing rail bed. Any work beyond this scope would need further evaluation of environmental impacts.

Feel free to contact me if you have any questions regarding this letter.

Sincerely,

A handwritten signature in cursive script that reads "Carrie Mosley". The signature is written in black ink and is positioned above the printed name.

Carrie Mosley
NJ NRCS State Conservationist



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

State of New Jersey

Highlands Water Protection and Planning Council
100 North Road (Route 513)
Chester, New Jersey 07930-2322
(908) 879-6737
(908) 879-4205 (fax)
www.highlands.state.nj.us



JIM RILEY
Chairman

GENE F. FEYL
Executive Director

September 23, 2013

Carol D. Lydon
Clark Hill Thorp Reed
One Commerce Square
2005 Market Street, Suite 1000
Philadelphia, PA 19103

Re: The New York, Susquehanna and Western Railway Corporation – Abandonment
Wayne Township (Passaic County) and Pompton Plains within Pequannock Township
(Morris County)

Dear Ms. Lydon:

Thank you for notification of the above-referenced proposed project. The Pequannock Township portion of the proposed railroad abandonment is located within the Planning Area of the Highlands Region.

As explained in the submitted Environmental/Historic Report, the abandonment of the New York, Susquehanna and Western Railway Corporation between Milepost 22.1 in Wayne Township and 26.3 in Pequannock Township will entail the removal of track and rails from the rail bed and will not result in any new development. It is also noted in the Report that an historic bridge is part of the proposed conversion from rail to trail, but the bridge is not planned to be removed or altered. Given the facts as reported by you, this project does not require review by the Highlands Council.

As part of the review by other agencies, the NJDEP Historic Preservation Office indicated that a Section 106 historic review may be necessary. Should this be the case, please forward a copy of that review to the Highlands Council.

Should you have any questions regarding this letter or any future follow-up, please contact Maryjude Haddock-Weiler, Principal Planner, at 908-879-6737 ext. 126, e-mail address maryjude.haddock-weiler@highlands.state.nj.us.

Sincerely,

Gene F. Feyl
Executive Director

The New York, Susquehanna and Western Railway Corporation - Abandonment - Wayne and
Morris Counties, NY
STB Docket No. AB-286 (Sub-No. 6X)

SERVICE LIST

New Jersey Office of GIS
P.O. Box 212
200 Riverview, 4th Floor
Trenton, NJ 08625

State of New Jersey
Department of Environmental Protection
Green Acres Program
Mail Code 501-01
P.O. Box 420
Trenton, NJ 08625-0420

State of New Jersey
Department of Environmental Protection
Division of Land Use Regulation
Mail Code 501-02A
P.O. Box 402
Trenton, NJ 08625-0420

Louis E. Imhof, III
Clerk to the Board of Chosen Freeholders
Passaic County Administration Building
Freeholder's Office
401 Grand Street
Paterson, NJ 07505

Thomas J. Mastrangelo, Freeholder Director
Morris County Board of Chosen Freeholders
Morris County Administration & Records
Building
P.O. Box 900
Morristown, NJ 07963-0900

U.S. EPA Region 2
290 Broadway
New York, NY 10007-1866

U.S. Fish and Wildlife Service
New Jersey Ecological Services Field Office
927 North Main Street, Building D
Pleasantville, NJ 08232-1454

U.S. Fish and Wildlife Service
Resident Agent in Charge
1210 Corbin Street, 2nd Floor
Elizabeth, NJ 07201-2946

U.S. Army Corps of Engineers
Philadelphia District
The Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3390

U.S. National Park Service
Northeast Region
Dennis Reidenbach, Regional Director
U.S. Customs House
200 Chestnut Street, 5th Floor
Philadelphia, PA 19106

Carrie Mosley, State Conservationist
USDA – NRCS
220 Davidson Ave., 4th Floor
Somerset, NJ 08873

Morris County Soil Conservation District
P.O. Box 900
Morristown, NJ 07963

NRCS Service Center
Hackettstown Commerce Park
Building 1
101 Bilby Road
Hackettstown, NJ 07840

Communications and Outreach Branch
NOAA, N/NGS12
National Geodetic Survey, SSMC3 #9202
1315 East West Highway
Silver Spring, MD 20910-3282

Caroline Scott
State of New Jersey
Department of Environmental Protection
Historic Preservation Office
P.O. Box 404
Trenton, NJ 08625-0420

Martin Rosen, Manager
NJ Coastal Management Office
P.O. Box 418
401 East State Street
Trenton, NJ 08625

The New Jersey Historical Society
52 Park Place
Newark, NJ 07102

Highlands Council
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Chester, NJ 07930