



EI-16552

February 18, 2009

Danielle Gosselin
Surface Transportation Board
395 E Street SW
Washington, D.C. 20403

Attention: Environmental Filing STB Finance Docket Bo. 35166

SUBJECT: STB Finance Docket No. 35116 Environmental Impact Statements
Deficiencies in Scoping Process

Dear Ms. Gosselin:

The Surface Transportation Board, Department of Transportation, published a Notice in the Federal Register (pp 850-858) on January 8, 2009 as follows:

R.J. Corman Railroad Company/Pennsylvania lines In.--Construction and Operation Exemption—in Clearfield County, PA

ACTION: Notice of Intent to Prepare an Environmental Impact Statement; Notice of Availability of the Draft Scope of Study for the Environmental Impact Statement; Notice of Scoping Meeting; and Request for Comments on Draft Scope.

The **SUMMARY** notes that "...the proposed project would involve the construction or rebuilding and operation of approximately 20 miles of the former Beech Creek Railroad, to serve a new quarry, landfill, and industrial park being developed by Resource Recovery, LLC near Gorton, Pennsylvania."

The **Draft Scope of Study for the EIS** identified four alternatives and 13 environmental impact categories. The Notice also announced a public scoping meeting, to be held on February 10, 2009 at the Philipsburg-Osceola Area Senior High School in Philipsburg PA from 6:00 – 8:00 pm.

2.

Although advertised in local newspapers as a PUBLIC SCOPING MEETING, citizens were not able to participate in scoping in a meaningful way. The environmental impact categories were not mentioned in the meeting announcement published in the local newspapers and were not prominently displayed at the meeting. The Federal Register (FR) Notice said that "Interested parties are invited to submit written comments on the draft scope of study." To fully inform the public, and to obtain their input on the draft scope, A presentation should have been made to explain the alternatives and environmental impact categories. Also most of those present expected that they would be able to speak about their concerns, to ask questions, and to have an exchange with federal officials. Instead, the STB contractors stood in front of large presentation boards, which included maps, pictures of trains, and a flow chart depicting the steps in the EIS process. They primarily discussed plans for the trains or the EIS process, but did not explicitly address the alternatives and environmental impact categories..

These deficiencies constitute a violation of the NEPA requirements for public participation in the scoping process. Section 1506.6 Public Involvement of the CEQ implementing regulations, requires that: "Agencies shall make diligent efforts to involve the public in preparing and implementing their NEPA procedures. " The deficiencies noted above are clearly not "diligent efforts".

STB may argue that their FR Notice and newspaper advertisements said that the meeting would be an "open house" format. However, the average citizen doesn't understand this distinction, and there was a great deal of anger and frustration.

To remedy these deficiencies, another public meeting should be held, widely publicized, which would make it clear that citizens are invited to address the 13 impact categories - or to suggest others - and this should be the focus of the meeting rather than a general discussion of the NEPA process. To assist the public understanding of the EIS process, we suggest that STB orally present the proposed action, the alternatives and the environmental impacts which will be studied.

Sincerely,



Michael T. Savage