

THE FRIENDS OF LIBERTY STATE PARK

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October 18, 2020

Re: Draft Supplemental Environmental Assessment issued September 2020 in AB-167-1189-X

In 2009, I wrote the following to your agency concerning the Harsimus Branch:

"Representing the Board and the 900 members of The Friends of Liberty State Park in Jersey City, I urge you to please authorize a Full Environmental Impact Statement of the Harsimus Branch/Pennsylvania Railroad Sixth Street Embankment before abandonment causes irreparable adverse effects to this priceless public resource, Jersey City historic districts, landmarks, neighborhoods, and families.

The environmental effects of abandonment and demolition would have a devastating cultural, historic and open space impact on the Embankment's priceless value and of the surrounding resources.

The Embankment is a sister urban natural, historical and cultural public resource to Liberty State Park, Jersey City's public resource behind Lady Liberty, and our nonprofit, all volunteer organization urges you to have a full EIS for the whole right of way to help lead to a wise decision for this important corridor."

That comment, along with the vast majority of comments filed by the public with your agency, has been effectively dismissed as having no weight. The agency ignored the controversial nature of this case, the significance of the historic right of way, the many adverse effects specific to individual properties and cited by their owners, and the tremendous historic and cultural effects when deciding against an Environmental Impact Statement, instead citing narrow grounds on which to base an EA. The EA and DSEA effectively excuse an unlawful sale and its implications for abandonment and appear to serve the regulated industry and the regulating agency's narrower interests than those that public interest organizations and individuals pointed out to you.

STB OEA's documents claim that salvage is complete when one of the most massive structures in Jersey City is threatened with demolition, as evidenced in the record of these proceedings and in litigation. The DSEA should be amended to address the obvious fact that the salvage operation, started by Conrail decades ago and which Conrail continued with a developer even after notice that this was a regulated railroad, is now likelier than ever to resume if STB absolves itself and Conrail of responsibility by an unconditioned abandonment.

The community has alerted STB to foreseeable and likely overwhelming adverse environmental effects. From the environmental perspective of FOLSP, among the most damaging to these is the loss of open space, habitat, and trail. Liberty State Park is a migratory oasis for birds and monarch butterflies, includes fox and deer in the midst of a densely built out city, and is an urban refuge for people. It is heavily used, however, and any loss of nearby open space, as is likely to happen if the Branch is removed from federal jurisdiction without conditions, will add to the burdens of our park.

We do not understand how the wholly inadequate EA and the Draft Supplementary EA can possibly give decision-makers the information they need to proceed to an abandonment decision on the Harsimus Branch. The approach of OEA in its environmental assessments is antithetical to the purpose of NEPA,

and we can attest does not "foster and promote the general welfare," or "create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans." 42 U.S.C. 4331(a)." [NEPA].

Our organization supports the comments on the DSEA being filed in this case by City et al.

Sincerely,

A handwritten signature in cursive script that reads "Sam Pesin".

Sam Pesin, President

Cell 201-341-7900