

APPENDIX B AGENCY CORRESPONDENCE

This appendix contains copies of SEA's project-specific correspondence with federal, state, and local agencies. This project-specific correspondence includes, but is not limited to, the initial assessment of environmental features, the identification of cooperating agencies, the scope of study for the EIS, the analysis of project alternatives, the assessment of threatened and endangered species, and the effects on cultural resources. Both incoming and outgoing letters have been included for reference purposes. In instances where SEA sent the same outgoing letter to a number of different agencies, the applicable mailing list has been included. The following table has been provided to summarize SEA's agency correspondence efforts.

AGENCY/ENTITY	DATE OF OUTGOING CORRESPONDENCE	DATE OF INCOMING CORRESPONDENCE
Federal Agencies		
U.S. Fish and Wildlife Service	4/14/08, 5/06/09, 9/30/09, 11/12/09	5/08/08, 6/09/09, 10/26/09, 1/08/10
Natural Resources Conservation Service	4/14/08, 5/06/09	5/05/08
U.S. Environmental Protection Agency	4/14/08, 5/06/09	
National Park Service	4/14/08, 5/06/09	Undated Letter
U.S. Army Corps of Engineers	4/14/08, 10/07/08, 05/06/09	10/24/08
U.S. Department of Housing and Urban Development	4/14/08, 5/06/09	
Federal Railroad Administration	4/14/08, 5/06/09	6/02/08
Federal Highway Administration	3/16/09, 5/06/09	2/19/09
Federal Emergency Management Agency	4/14/08, 5/06/09	
U.S. Department of Health and Human Services	4/14/08, 5/06/09	
State Agencies		
Pennsylvania Fish and Boat Commission	4/14/08, 5/06/09, 9/30/09	5/13/08, 6/11/09, 10/14/09
Pennsylvania Game Commission	4/14/08, 5/06/09, 9/30/09	5/20/08, 6/10/09, 10/19/09
Pennsylvania Department of Conservation and Natural Resources - PNDI	4/14/08, 11/12/08, 5/06/09, 9/30/09, 12/04/09	6/06/08, 12/02/08, 6/08/09, 10/23/09, 2/04/10
Pennsylvania Department of Conservation and Natural Resources – Moshannon Forest District	4/14/08, 5/06/09	5/09/08
Pennsylvania Department of Environmental Protection	4/14/08, 5/06/09	5/07/08, 5/13/09
Pennsylvania Department of Agriculture	4/14/08, 5/06/09	
Pennsylvania Department of Community and Economic Development	4/14/08, 5/06/09	
Pennsylvania Department of Transportation	4/14/08, 5/06/09	5/13/08, 8/01/08, 5/29/09
Pennsylvania Historical and Museum Commission	4/14/08, 10/09/08, 1/26/09, 5/06/09, 5/29/09, 10/21/09	5/06/08, 10/28/08, 2/20/09, 6/02/09, 6/18/09, 10/29/09
Local Agencies		
Clearfield County Planning Department	4/14/08, 5/06/09	5/15/08
Clearfield County Commissioners	5/06/09	5/14/08, 6/10/08
Centre County Planning Department	4/14/08, 5/06/09	5/16/08, 2/24/09, 6/03/09
Centre County Historical Society		1/27/09
Bradford Township, Clearfield County	4/14/08, 5/06/09	
Boggs Township, Clearfield County	4/14/08, 5/06/09	
Cooper Township, Clearfield County	4/14/08, 5/06/09	6/11/08, 2/26/09, 5/29/09

AGENCY/ENTITY	DATE OF OUTGOING CORRESPONDENCE	DATE OF INCOMING CORRESPONDENCE
Cooper Township Municipal Authority		2/23/09
Morris Township, Clearfield County	4/14/08, 5/06/09	
Wallaceton Borough, Clearfield County	4/14/08, 5/06/09	
Decatur Township, Clearfield County	5/06/09	
Rush Township, Centre County	4/14/08, 5/06/09	
Snow Shoe Township, Centre County	4/14/08, 5/06/09	
Other Entities		
People Protecting Communities	10/01/09	2/23/09, 6/05/09, 8/18/09
Headwaters Charitable Trust		2/16/09
State Representative Camille George		4/28/08, 1/15/10
State Representative Mike Hanna		5/09/08, 3/16/09, 3/19/09
State Representative David Levdansky		9/21/09
State Senator Jake Corman		5/15/08



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

April 14, 2008

David Densmore
U.S. Fish and Wildlife Service
315 South Allen Street, Suite 322
State College, PA 16801

Re: Finance Docket No. 351116, RJ Corman Railroad Co., Beech Creek Branch Line –
Construction and Operation -- between Wallaceton and Gorton, Pennsylvania;
Preliminary Consultation

Dear Mr. Densmore:

I am writing to request your review and preliminary comments (explained in more detail below) on a proposed rail line construction and operation that will soon be filed with my agency, the Surface Transportation Board (Board). RJ Corman Railroad Company intends to file a petition with the Board requesting authority to construct and operate an approximate 20-mile segment of the former Beech Creek Rail Line from Wallaceton to Gorton, PA (see Figure 1, attached). The proposed rail line construction would re-activate service over the 20-mile segment and connect an active RJ Corman line in Wallaceton with a proposed industrial development including a landfill, biofuels plant, and a quarry located near Gorton in Rush Township, Centre County.

Should this rail line construction and operation proposal be approved by the Board, RJ Corman would be able to provide rail transportation service to and from the proposed industrial development and landfill, biofuels plant, and quarry. RJ Corman Railroad Company anticipates that the line would handle approximately 17,000 carloads annually, or one round trip per day at approximately 55 carloads per trip, six days per week.

Pursuant to the National Environmental Policy Act (NEPA) and the Board's environmental rules, the Board's Section of Environmental Analysis (SEA) will prepare an environmental document that evaluates the potential environmental effects of the proposed project. **The purpose of this letter is to request information regarding potential resources within the project area that may be of concern to your agency, as well as any permits and approvals that may be required.**

This letter begins the process by which SEA will assess the potential environmental effects, both positive and negative, that may be associated with the proposed rail line re-activation. We appreciate your assistance in identifying whether any resources of concern to your agency may be affected by the proposed project and welcome information on any additional issues or concerns that you consider appropriate. We request your response by May 16, 2008, so that we may be able to schedule any meetings, site visits, or surveys, conduct necessary follow-up activities, and incorporate your response into the scope of the study, as appropriate.

Skelly and Loy, Inc. is serving as SEA's independent third-party consultant in this proceeding and will assist SEA in the preparation of the environmental document. Please send your comments to:

Ms. Sandy Baschore
Skelly and Loy, Inc.
2601 North Front Street
Harrisburg, PA 17110

The environmental document will be either an environmental assessment (EA) or an environmental impact statement (EIS). SEA's decision on whether to prepare an EA or an EIS will be based in part on comments received in response to this agency consultation letter. SEA will make the environmental document available for review by agencies and the public as required by NEPA and the Board's environmental rules (49 CFR 1105). In reaching its decision, the Board will take into account the environmental document and all environmental comments that are received.

If you have any questions, please do not hesitate to contact Sandy Baschore, Project Manager for Skelly and Loy, Inc., at 717-232-0593, or Danielle Gosselin, SEA Project Manager, at 202-245-0300. Thank you for your assistance.

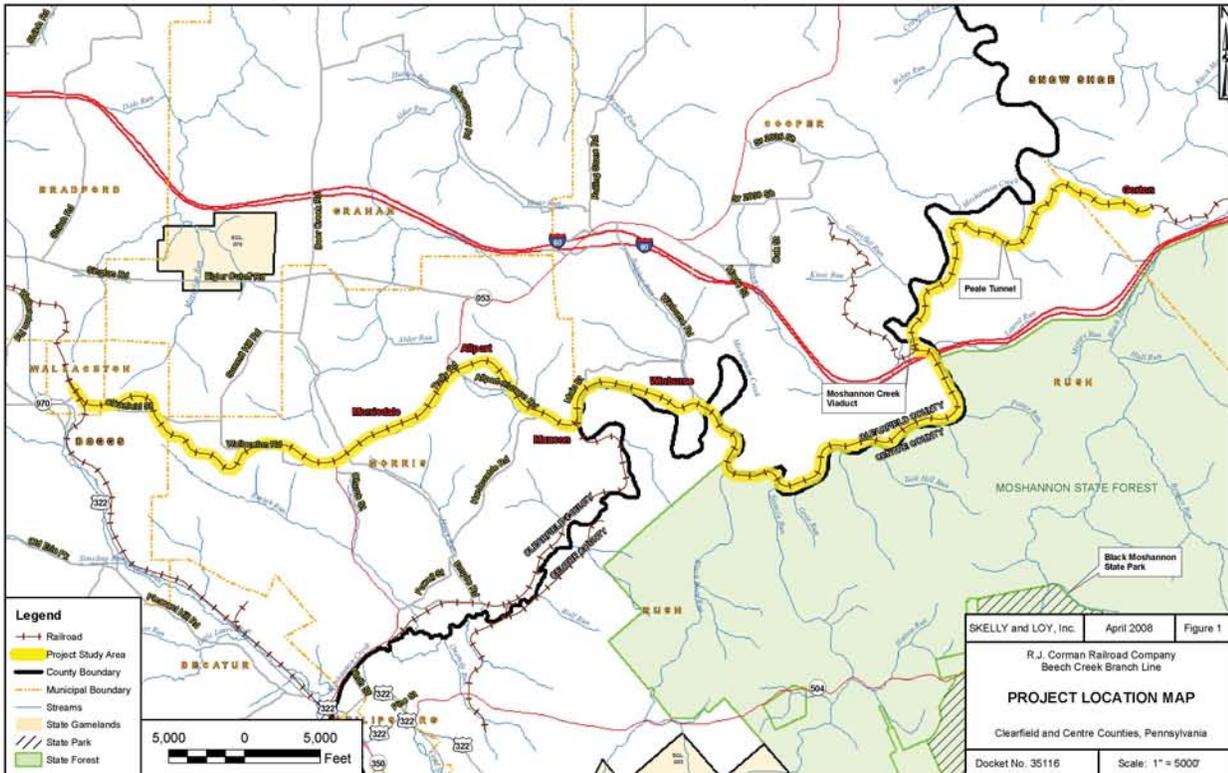
Sincerely,

Victoria Rutson
Chief
Section of Environmental Analysis

cc: Ronald A. Lane, Esq.

FEDERAL AGENCIES:

- Mr. David Densmore
U.S. Fish and Wildlife Service
315 South Allen Street, Suite 322
State College, Pennsylvania 16801
- Mr. Craig Derickson
Natural Resources Conservation Service
U.S. Department of Agriculture
1 Credit Union Place, Suite 340
Harrisburg, Pennsylvania 17339-2993
- Mr. Donald Welsh
U.S. Environmental Protection Agency – Region 3
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029
- Mr. Dennis Reidenbach
National Park Service – Northeast Region
U.S. Custom House
200 Chestnut Street, Fifth Floor
Philadelphia, Pennsylvania 19106
- Colonel Peter Mueller
U.S. Army Corps of Engineers – Baltimore District
Post Office Box 1715
Baltimore, Maryland 21203-1715
- Department of Housing and Urban Development
Region III
339 Sixth Avenue, 6th Floor
Pittsburgh, PA 15222-2515
- Federal Railroad Administration
Region 2
Baldwin Tower, Suite 660
1510 Chester Pike
Crum Lynne, PA 19022



Moshannon District
3372 State Park Road
Pottsville, Pennsylvania 15849-1722

Mr. Dennis Wolff
Pennsylvania Department of Agriculture
2301 North Cameron Street
Harrisburg, Pennsylvania 17110

Mr. Dennis Yablonsky
Pennsylvania Department of Community and Economic Development
Commonwealth Keystone Building, 4th Floor
400 North Street
Harrisburg, Pennsylvania 17120-0225

Ms. Denise Pycers
Pennsylvania Department of Transportation
Bureau of Rail Freight, Ports and Waterways
Commonwealth Keystone Building
400 North Street
Harrisburg, Pennsylvania 17120

Mr. Kevin Kline, PE
Pennsylvania Department of Transportation - Engineering District 2-0
1924 Daisy Street Extension
Post Office Box 342
Clearfield, Pennsylvania 16830

Ms. Jean Cutler
Pennsylvania Historical and Museum Commission
Bureau for Historic Preservation
Commonwealth Keystone Building
400 North Street
Harrisburg, Pennsylvania 17120

LOCAL AGENCIES:

Ms. Jodi Brennan
Clearfield County Department of Planning
650 Leonard Street

Federal Emergency Management Agency
Region III
615 Chestnut Street
One Independence Mall, Sixth Floor
Philadelphia, PA 19106-4404

Department of Health and Human Services
Region III
Suite 436, Public Ledger Building
150 S. Independence Mall West
Philadelphia, PA 19106-3499

STATE AGENCIES:

Mr. Jeff Schmid
Pennsylvania Fish and Boat Commission
Division of Environmental Services
450 Robinson Lane
Bellefonte, Pennsylvania 16823-9620

Mr. Kevin Mixon
Pennsylvania Game Commission
Bureau of Wildlife Habitat Management
2001 Elmerton Avenue
Harrisburg, Pennsylvania 17110-0797

Ms. Rebecca Bowen
Pennsylvania Department of Conservation and Natural Resources
Bureau of Forestry, Ecological Services Section
400 Market Street
Post Office Box 8552
Harrisburg, Pennsylvania 17105

Mr. Robert Yowell
Pennsylvania Department of Environmental Protection - Northcentral Region
208 West Third Street, Suite 101
Williamsport, Pennsylvania 17701-6448

Mr. Robert Merrill, Jr.
Pennsylvania Department of Conservation & Natural Resources

United States Department of the Interior



NATIONAL PARK SERVICE
 Northeast Region
 U.S. Custom House
 200 Chestnut Street
 Philadelphia, PA 19106-2878

L 7619 (NER-RSS/RP&C)
 Information Request

Clearfield, Pennsylvania 16830

Mr. Robert Jacobs
 Centre County Planning and Community Development Office
 Willowbank County Office Building
 420 Holmes Street
 Bellefonte, Pennsylvania 16823-1488

Bradford Township Board of Supervisors
 2289 Barrett Road, Suite B
 Woodland, Pennsylvania 16881

Boggs Township Board of Supervisors
 Post Office Box 69
 West Decatur, PA 16858

Cooper Township Board of Supervisors
 Post Office Box 208
 Kylertown, Pennsylvania 16847
 Morris Township Board of Supervisors
 1189 Oak Grove Road
 Morrisdale, Pennsylvania 16858

Rush Township Board of Supervisors
 150 North Richard Street
 Post Office Box 152
 Philipsburg, Pennsylvania 16866

Snow Shoe Township Board of Supervisors
 268 Oldside Road
 P.O. Box 65
 Clarance, PA 16829

Wallaceton Borough Commissioners
 P.O. Box 121
 Wallaceton, PA 16876

To Whom It May Concern:

The National Park Service Northeast Regional Office has received your request for information. Due to the large number of requests received in this office, we regret that we are unable to provide an individual response to each requestor. Following is a list of the resources of interest to the National Park Service. It is your responsibility to determine if your proposed project is located in the vicinity of, and may potentially affect, any of the listed resources and contact the manager of the specific resource for more information.

National Parks

The National Park System is comprised of over 380 areas throughout the U.S. and its territories. Management responsibility for each National Park unit lies with the Superintendent of that unit. Units of the National Park System can be located by commonly available materials such as highway and county road maps, or USGS topographic maps. Information about specific National Park units and contact information can be found at www.nps.gov.

National Historic Landmarks

National Historic Landmarks (NHLs) are nationally significant historic resources that possess exceptional value or quality in illustrating or interpreting the heritage of the United States. Information on NHLs can be found at <http://www.cr.nps.gov/nhl/INDEX.htm>. The primary contact regarding potential effects of your proposed project on NHLs is the State Historic Preservation Officer (SHPO). Contact information for SHPOs by state can be found at <http://www.neshpo.org/stateinfo/shplist.htm>. If your project could have an effect on a NHL, you should include our Preservation Assistance Office/NHL Program Manager as an interested party and provide information regarding the issues that may affect NHLs. In the event that the SHPO determines your project will have an adverse effect on a NHL, under the Historic Preservation Act's Section 106 review process, you must then contact the NHL Program Manager and offer the NPS an opportunity to formally consult with your agency. Information on the 106 process should be sent to Bill Bolger at the National Park Service, 200 Chestnut Street, Philadelphia, PA 19106 or by e-mail to bill_bolger@nps.gov.

National Natural Landmarks

The National Natural Landmarks Program recognizes and encourages the conservation of outstanding examples of our country's natural history in both public and private ownership. The National Park Service administers the National Natural Landmark Program and, if requested,

assists National Natural Landmark owners and managers with the conservation of these important sites. A guide to National Natural Landmarks by state and contact information for National Natural Landmarks can be found at <http://www.nature.nps.gov/nnl/>.

National Heritage Areas

National Heritage Areas are places where natural, cultural, historic and recreational resources combine to form a cohesive, nationally distinctive landscape arising from patterns of human activity shaped by geography. National Heritage Areas may be managed by a State or local agency, a commission, or a private nonprofit corporation. The National Park Service provides technical and financial assistance for a limited time (usually 10-15 years) following designation. A list of National Heritage Areas and contact information can be found at <http://www.st.nps.gov/heritageareas/CNHC/INDEX.HTM>.

National Trails System

The National Trails System is the network of scenic, historic, and recreation trails created by the National Trails System Act of 1968. These trails provide for outdoor recreation needs, promote the enjoyment, appreciation, and preservation of open-air, outdoor areas and historic resources, and encourage public access and citizen involvement. The National Trails System Act made it Federal policy to recognize and promote trails by providing financial assistance, support of volunteers, coordination with States, and other authorities. As a result, 8 National Scenic Trails and 15 National Historic Trails have been established by act of Congress, and are administered by the National Park Service, the USDA Forest Service, and the Bureau of Land Management, depending on the trail, and over 800 national recreation trails have been designated through recognition by the Secretaries of Agriculture and Interior, and 2 side-and-connecting trails have also been certified. More detail and contact information for these trails can be found at http://www.nps.gov/nis/nts_trails.html. A state-by-state list of National Recreational Trails with contact information can be found at <http://www.americatrails.org/nationalrecreationtrails>.

Land and Water Conservation Fund

The Land and Water Conservation Fund program provides matching grants to States and local governments for the acquisition and development of public outdoor recreation areas and facilities. The Land and Water Conservation Fund is administered for the NPS through the state. Contact the State Liaison Officer directly for information regarding potential effects of your project. Contact information for State Liaison Officers can be found at http://www.nps.gov/nere/programs/wcfc/contact_list.html.

Urban Park and Recreation Recovery Program

The Urban Park and Recreation Recovery Program provides direct Federal assistance to urban localities for rehabilitation of critically needed recreation facilities. The Urban Park and Recreation Recovery Program is administered by the National Park Service. A list of funded cities and contact information for the Urban Park and Recreation Recovery Program can be found at <http://www.nps.gov/uparr/>. If your project occurs in one of the funded or eligible cities, contact the Urban Park and Recreation Recovery Program directly for more information regarding potential effects of your project.

Wild and Scenic Rivers

The National Wild and Scenic Rivers System preserves certain rivers with outstanding scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values in a free-flowing condition for the enjoyment of present and future generations. There are four primary federal agencies charged with protecting and managing wild and scenic rivers: the Bureau of Land Management, the US Forest Service, the US Fish and Wildlife Service, and the National Park Service. A list of designated rivers and contact information can be found at <http://www.rivers.gov/wildriverslist.html>. This website also contains information about the Nationwide Rivers Inventory (NRI), which is an additional list of river segments with significant natural and/or cultural values that should be considered in the planning process.

Wilderness Areas

The Wilderness Act of 1964 originated out of a national concern over trends affecting roadless areas on the national forests. But it was also applied to lands in the National Park System because of concerns about the erosion of roadless blocks within units of the National Park System. The Wilderness Act supplements the NPS's basic statutory authority. It serves as a permanent zoning device, with national legal sanction, determining where roads and structures will not intrude. A list of National Park Service Wilderness Areas and contact information can be found at <http://wilderness.nps.gov/maplocator.cfm>.

Thank you for your interest in the National Park Service and its programs.

Resource Planning and Compliance Program
National Park Service, Northeast Regional Office
200 Chestnut Street
Philadelphia, PA 19106

EI-7250

CAMILLE BUD GEORGE, MEMBER
 SUPPLEMENTAL SERVICE
 HOUSE OF REPRESENTATIVES
 HARRISBURG, PENNSYLVANIA 17103-0074
 PHONE: (717) 367-7276
 225 SPRINGFIELD BLVD.
 HARRISBURG, PENNSYLVANIA 17101
 PHONE: (717) 367-6774
 HOME FAX: ADDRESS
 WWW.PAHOUSEOFREPRESENTATIVES.PA.GOV
 E-MAIL: ADDRESS
 CGEORGE@HOUSEOFREPRESENTATIVES.PA.GOV



House of Representatives
 COMMONWEALTH OF PENNSYLVANIA
 HARRISBURG

COMMITTEES
 ENVIRONMENTAL RESOURCES AND ENERGY
 COMMITTEE, CHAIRMAN
 ENVIRONMENTAL QUALITY BOARD
 ENVIRONMENTAL INFRASTRUCTURE
 PLANNING BOARD
 AGENT LEGISLATION AND BUDGET
 POLICY DEVELOPMENT AND
 CONSERVATION COMMITTEE
 WILDLIFE RESOURCE CONSERVATION BOARD
 RULES COMMITTEE

April 28, 2008

Victoria Rutson, Chief
 Section of Environmental Analysis
 Surface Transportation Board
 395 E Street, S.W.
 Washington, DC 20423-0001

Dear Ms. Rutson:

Please consider my request that a full environmental analysis and environmental impact study be commissioned to study the effects of the proposed rail line construction and operation by the RJ Corman Railroad Co. between Wallacetown and Gordon in Clearfield and Centre counties, Pa. (Finance Docket No. 351116).

The proposed route would terminate a highly successful rail-to-trails route that has been operating since the mid-1990s. The rails-to-trails is a major ingredient to the Pennsylvania Wilds tourism-promotion effort that has been helping to rejuvenate the central Pennsylvania area. Numerous businesses -- from restaurants to sporting goods and outdoor travel agencies -- have emerged to take advantage of the natural beauty of the area. Hundreds of homesteads and campsites -- built to take advantage of the area's natural resources -- are located within the project area. The Moshannon Forest Property Owners Association is one of many local groups opposed to this project.

Pennsylvania has invested taxpayers' dollars in promoting the region's tourism and outdoor potential, including:

- The Pa. Department of Conservation and Natural Resources awarded \$65,000 in 1999 to the Headwaters Charitable Trust to rehabilitate structures on the Snow Shoe Rail Trail in Cooper Township, Clearfield County, and Rush and Snow Shoe townships, Centre County.
- A \$300,000 Growing Greener grant in 1999 through the Pa. Department of Environmental Protection to the Beech Creek Watershed Association for the Jonathan run acid mine drainage restoration.

1



- A \$90,000 Growing Greener grant in 2000 through the Pa. Department of Environmental Protection to the Beech Creek Watershed Association for Tributary 'K' and Contrary Run sub watershed assessment and restorative design.

Perhaps the most compelling reason this project requires the most stringent environmental assessment and impact review is the region's unique and complicated geology.

According to a geological study of the area [Influence of geology on postmining water quality: Northern Appalachian Basin], "mines in the brackish areas of Clearfield County are notorious for producing acid mine drainage..."

The report highlighted the complexities:

Glass et al. (1977) dedicated their report to George Hall Ashley (1866-1951), a former State Geologist of Pennsylvania and "life-long combatant with the perplexing rocks of southeastern Clearfield County." They point out that their work is built upon his foundation and that "[t]he geology was not as difficult as you thought, Dr. Ashley - it was worse!"

Pennsylvania is paying dearly for the lack of responsible environmental oversight in the Clearfield and Centre counties region. In 1996, a congressman from Pennsylvania erased the environmental-impact requirement in a federal spending bill that included millions for construction of nearby Interstate 99 through Centre County. When the land was excavated for the highway project, the disturbed acidic rock wreaked environmental havoc on water supplies. As of November 2007, the state's cost to remediate the pollution had hit \$79 million.

The potential liability -- environmental and financial -- of the proposed rail project warrants a complete environmental assessment. The proposed project runs counter to the millions of dollars spent on the region to address pollution from mining, development of suitable industries, and to promote tourism in the region.

I realize you probably have little interest in the politics behind the biofuels/landfill project that is the impetus for the rail line. However, I suggest it has a strong link to the environmental effects that you are seeking input on. It is a textbook case of for-profit landfill developers from urban areas seeking rural areas with weak zoning protections to build landfills that would be unacceptable in more populated areas.

As majority chairman of the Pa. House of Representatives' Environmental Resources and Energy Committee, I can testify to how unfair this process is to rural areas, which often don't have the money, time or expertise to fight these proposals on level ground. Right now, I have three landfills proposed within 25 miles of my doorstep.

2

United States Department of Agriculture



Natural Resources Conservation Service
Office of Public Affairs
Harrisburg, PA 17002-2883

May 5, 2008

Ms. Sandy Baschere
Skelly and Loy, Inc.
2601 North Front Street
Harrisburg, PA 17110

Re: 35116, RJ Cornum Railroad Co.
Centre County, PA

As requested in a letter dated April 14, 2008, we have reviewed the project location for possible areas of concern to the USDA Natural Resources Conservation Service.

The project is entirely within the existing railroad right-of-way and no federally-designated farmlands exist in the proposed project area.

Soils in this area have been extensively altered over the years, and on site investigations would be needed to determine the presences of any soil related site limitations such as wetlands or unstable soils.

Agricultural Security Areas and Pennsylvania Prime Agricultural Land are designations under Pennsylvania state law and regulations. USDA, NRCS does not have jurisdiction in this area. You should contain appropriate state agencies most likely the Pennsylvania Department of Agriculture.

As for any project involving earthmoving, both temporary and permanent erosion and sedimentation control practices should be planned, implemented and maintained. We recommend consultation with appropriate county conservation districts for review of erosion and sedimentation control plans and practices.

Contact me at (717) 237-2218; FAX (717) 237-2238; email:timothy.emeuheriser@pa.usda.gov if you need more information.

Timothy Emeuheriser
Resource Conservationist

cc: Scott Heckman, District Conservationist, Mill Hall, PA

Helping People Help the Land
An Equal Opportunity Provider and Employer

I represent a portion of the affected area, Cooper Township, and can vouch for the local opposition to this proposal. It also has been opposed by the county commissioners in both Centre and Clearfield counties and the Centre County Planning Commission.

Thank you for consideration of this request. I think any full and fair environmental analysis of this proposal would show it to be inimical to the environmental and economic best interests of the region.

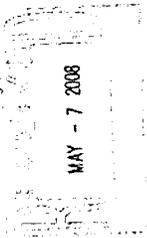
Sincerely,

Camille George
STATE REPRESENTATIVE

CG/mjm
CC: Terri Burbridge



Pennsylvania Historical and Museum Commission
Bureau for Historic Preservation
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120-0093
www.phmc.state.pa.us



May 6, 2008

Ms. Sandy Baschore
Skelly and Loy, Inc.
2601 North Front Street
Harrisburg, PA 17110

Re: File No. ER 08-1481-042-A
STB Finance Docket No. 35116, RJ
Corman Railroad Co., Beech Creek
Branch Line-Construction & Operation-
& Clearfield Cos.

Dear Ms. Baschore:

The Bureau for Historic Preservation (the State Historic Preservation Office) has reviewed the above named project in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended in 1980 and 1992, and the regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation. These requirements include consideration of the project's potential effect upon both historic and archaeological resources.

All federal agency permitted/licensed/funded projects requiring the comments of the Pennsylvania State Historic Preservation Officer should include the funding program, a project description, project location, and cultural resource site information as outlined in 36 CFR Part 800.4 (Identifying Historic Properties). Because your request does not include sufficient information, we are unable to proceed with our review until the information on the attached form is provided. The 30 day review period required by the regulations (36 CFR Part 800.4(d)(0) and Part 800.11) does not begin until adequate information to complete our review is provided.

If you need further information regarding archaeological survey please contact Steve McDougal at (717) 772-0923. If you need further information concerning historic structures please consult Susan Zaecher at (717) 783-9920.

Sincerely,

Douglas C. McLearn, Chief
Division of Archaeology &
Protection

Cc: Surface Transportation Board

Attachment
DCM/mrw



Pennsylvania Department of Environmental Protection

208 West Third Street, Suite 101
Williamsport, PA 17701-6448
May 7, 2008

Northcentral Regional Office

570-327-3695
Fax 570-327-3565

Ms. Sandy Baschore
Skelly and Loy, Inc.
2601 North Front Street
Harrisburg, PA 17110

Re: Finance Docket No. 35116, RJ Corman Railroad Co.,
Beech Creek Branch Line – Construction and Operation
Between Wallaceon and Gorton, PA
Preliminary Consultation
Centre and Clearfield Counties

Dear Ms. Baschore:

I am writing in response to correspondence received from Surface Transportation Board regarding the above-referenced project proposal. Regional staff have completed a preliminary review of the proposal.

Our Waste Management program would have an interest in this railroad project since it would directly affect the landfill permit application for the proposed Resource Recovery, LLC landfill. For more information regarding this issue, please contact James Miller of our Waste Management program at 570-327-3431.

Sincerely,

Robert C. Yowell
Regional Director

cc: James Miller
David Garg
File

RCY/jpg

Anti-Spam/Spammy - Employer

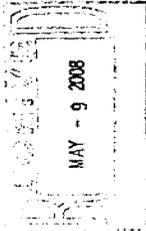
www.dep.state.pa.us

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United States Department of the Interior

FISH AND WILDLIFE SERVICE
Pennsylvania Field Office
315 South Allen Street, Suite 322
State College, Pennsylvania 16801-4850



May 8, 2008

Sandy Bascore
Skelly and Loy, Inc.
2601 North Front Street
Harrisburg, PA 17110

RE: USFWS Project #2008-1212

Dear Ms. Bascore:

This responds to the April 14, 2008, letter from the Surface Transportation Board requesting information about federally listed and proposed endangered and threatened species within the area affected by the proposed rail line construction and operation of the former Beech Creek rail line from Wallacetown to Gorton located in Centre County, Pennsylvania. The following comments are provided pursuant to the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) to ensure the protection of endangered and threatened species.

Except for occasional transient species, no federally listed or proposed threatened or endangered species under our jurisdiction are known to occur within the project impact area. Therefore, based on currently available information, no biological assessment or further consultation under the Endangered Species Act is required with the Fish and Wildlife Service. Should project plans change, or if additional information on listed or proposed species becomes available, this determination may be reconsidered.

Please note that a field survey may reveal previously undocumented populations of one or more species of concern within a project area. Refer to the enclosed list of *Federally Listed, Proposed, and Candidate Species in Pennsylvania* to determine which species may be found in your project area if suitable habitat is present. If surveys or further information reveals that a federally listed, proposed, or candidate species exists in your project area, contact the Fish and Wildlife Service immediately to discuss measures to avoid or minimize potential impacts to the species prior to initiating your project.

This determination is valid for one year from the date of this letter. If the proposed project has not been fully implemented prior to this, please access the PNDI Project Planning Environmental Review tool on the Pennsylvania Natural Heritage Program's website (www.naturalheritage.state.pa.us) to screen this project for potential impacts to species of special concern, including federally listed and proposed species. If this project is considered a "large project" as defined on the subject website, submit the project directly to our office for review, rather than using the online screening tool.

This response relates only to endangered or threatened species under our jurisdiction, based on an office review of the proposed project's location. No field inspection of the project area has been conducted by this office. Consequently, this letter is not to be construed as addressing potential Service concerns under the Fish and Wildlife Coordination Act or other authorities.

To avoid potential delays in reviewing your project, please use the above-referenced USFWS project tracking number in any future correspondence regarding this project.

Please contact Pam Shellenberger of my staff at 814-234-4090 if you have any questions or require further assistance.

Sincerely,

David Densmore
Supervisor

Enclosure

Federally Listed, Proposed, and Candidate Species in Pennsylvania
(revised April 28, 2008)

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status¹</u>	<u>Distribution (Counties and/or Watersheds)</u>
MAMMALS			
Indiana bat	<i>Myotis sodalis</i>	E	Hibernacula: Armstrong, Beaver, Blair, Centre, Fayette, Huntingdon, Lawrence, Luzerne, Mifflin, and Somerset Co. Maternity sites: Adams, Bedford, Berks, Blair, Greene, and York Counties. Potential winter habitat state-wide in caves or abandoned mines. Potential summer habitat state-wide in forests or wooded areas.
BIRDS			
Piping plover	<i>Charadrius melodus</i>	E	Designated critical habitat on Presque Isle (Erie Co.). Migratory. No nesting in PA since 1950s, but recent colonization attempts at Presque Isle
REPTILES			
Bog turtle	<i>Clemmys (Glyptemys) muhlenbergii</i>	T	Adams, Berks, Bucks, Chester, Cumberland, Delaware, Franklin, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Schuylkill and York Co.
Eastern massasauga rattlesnake	<i>Sistrurus catenatus catenatus</i>	C	Historically found in Crawford, Mercer and Philadelphia Co. Butler, Crawford, Mercer and Venango Co. Historically found in Allegheny and Lawrence Co.
MUSSELS			
Clubshell	<i>Plumbosia clava</i>	E	French Creek and Allegheny River (and some tributaries) in Armstrong, Clarion, Crawford, Erie, Forest, Mercer, Venango, and Warren Co., Shenango River (Mercer and Crawford Co.)
Dwarf wedgemussel	<i>Alasmidonta heterodon</i>	E	Has not been found recently in 13 streams of historical occurrence in Butler, Beaver, Fayette, Greene, Indiana, Lawrence, and Westmoreland Co. Delaware River (Pike and Wayne Co.)
Northern riffleshell	<i>Epioblasma torulosa rangiana</i>	E	Has not been found recently in streams of historical occurrence in the Delaware River watershed (Bucks, Carbon, Chester, Philadelphia Co.) or Susquehanna River watershed (Lancaster Co.) French Creek and Allegheny River (and some tributaries) in Armstrong, Clarion, Crawford, Erie, Forest, Mercer, Venango, and Warren Co. Has not been found recently in streams of historical occurrence, including: Shenango River (Lawrence Co.), Conewango Creek (Warren Co.)

US Fish and Wildlife Service
315 South Allen Street, Suite 322, State College, Pennsylvania 16801

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status¹</u>	<u>Distribution (Counties and/or Watersheds)</u>
MUSSELS (continued)			
Rayed bean	<i>Villosa fabalis</i>	C	French Creek and Allegheny River (Armstrong, Clarion, Crawford, Erie, Forest, Mercer, Venango, Warren Co.); Cussewago Creek (Crawford Co.). Has not been found recently in 5 streams of historical occurrence in Armstrong, Lawrence, Mercer and Warren Co.
Sheepsnose	<i>Plethobasus cyphus</i>	C	Allegheny River (Forest and Venango Co.). Has not been found recently in streams of historical occurrence, including: Allegheny River (Armstrong Co.), Beaver River (Lawrence Co.), Ohio River (Allegheny and Beaver Co.), and Monongahela River (Washington Co.)
FISH			
Shortnose sturgeon ²	<i>Acipenser brevirostrum</i>	E	Delaware River and other Atlantic coastal waters
PLANTS			
Northeastern bulrush	<i>Scirpus ancistrochaetus</i>	E	Adams, Bedford, Blair, Cambria, Carbon, Centre, Clinton, Columbia, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Lackawanna, Lehigh, Lycoming, Mifflin, Monroe, Perry, Snyder, Tioga, and Union Co. Historically found in Northampton Co.
Small-whorled pogonia	<i>Isotria medeoloides</i>	T	Centre, Chester and Venango Co. Historically found in Berks, Greene, Monroe, Montgomery and Philadelphia Co.

¹ E = Endangered; T = Threatened; P = Proposed for listing; C = Candidate
² Shortnose sturgeon is under the jurisdiction of the National Marine Fisheries Service

US Fish and Wildlife Service
315 South Allen Street, Suite 322, State College, Pennsylvania 16801

EE-7286

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House of Representatives
 COMMONWEALTH OF PENNSYLVANIA
 HARRISBURG

COMMITTEES
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Page 2

Bridge over the Red Moshannon. These trails are enjoyed by a multitude of residents and out of state visitors. A significant portion of their trail system would be lost by the reactivation of the rail line in this area.

I'm sure that after your careful review and consideration of these issues, you will come to the conclusion that it is indeed premature to take any sort of action at this time. If, however, for whatever reason, you choose to proceed with the proposal, I am requesting that an Environmental Impact Statement be required. Four federal agencies have identified concerns with the proposed industrial development project. These include the Federal Highway Administration, the US Fish and Wildlife Service, the US Army Corps of Engineers and the US Environmental Protection Agency. I believe this is a reasonable and necessary request due to the reasons above and the controversial nature of the related project.

I would appreciate it if you could please send me updates on this matter. I will look forward to hearing from you. If you have any questions or I can be of any assistance, please do not hesitate to contact me.

Very Truly Yours,

Mike

Mike Hanna

76th District
 State Representative

MKH/jia

May 9, 2008

Surface Transportation Board
 Attention: Victoria Rulson, Chief, Section of Environmental Analysis
 1925 K Street, N.W.
 Washington, DC 20423

RE: RJ Corman Railroad Company, Beech Creek Branch Line - Construction and Operation; Between Wallacetown and Gorton, Pennsylvania

Dear Ms. Rulson:

It is my understanding that the RJ Corman Railroad Company will be filing a petition to construct and operate a portion of the former Beech Creek Rail Line from Wallacetown to Gorton, Pennsylvania. The main purpose of this proposed line is to service a **proposed** industrial development project, which would include a landfill, bio-fuels plant and a quarry.

I strongly believe that it would be premature for the Surface Transportation Board to take any action on this petition at this time. I present to you the following reasons and ask for your careful review and consideration of these facts. The application for the landfill by Resource Recoveries, LLC, has been suspended since October 2006 due to the uncertainties connected with the proposed Interstate 80 interchange and also because of concerns that were raised by the Pennsylvania Department of Environmental Protection's Watershed Management Program. In May of 2007, the quarry applicant was issued a deficiency letter from the PA DEP. To date, those deficiencies have never been addressed. In regards to the bio-fuels plant, there have been no formal applications submitted for this portion of the proposed project.

One of the key initiatives of the Commonwealth is to develop tourism to the majestic Pennsylvania Wilds area. It is of vital importance that we protect and conserve the natural beauty of this rural treasure. The proposed plans for the industrial development project would have a tremendous negative environmental impact and would ultimately be detrimental to tourism. The Snow Shoe Trails to Trails Association, through the hard work of many dedicated members and volunteers, has done an excellent job in developing and maintaining the rail trails, including the Peale Tunnel and the Via-duct



MAY 15 2008

Pennsylvania Department of Conservation and Natural Resources

Moshannon Forest District
3372 State Park Road
Penfield, PA 15849
May 9, 2008

Bureau of Forestry

Phone: (814) 765-0821
Fax: (814) 765-0621

Ms. Sandy Baschore
Skelly and Loy, Inc.
2601 North Front Street
Harrisburg, PA 17110

Dear Ms. Baschore:

This letter expresses our concerns in regard to reactivation of the rail line from Wallaceton to Gerton, Pa. The Bureau of Forestry worked many years to develop a 40 mile signature hiking trail traversing the relatively pristine Moshannon State Forest surrounding Black Moshannon State Park. The trail development was accomplished through partnerships with the Penn State Outing Club and the Keystone Trail Association, who contributed many hours of volunteer time to complete the trail.

The proposed rail line re-activation poses some serious concerns to the ambience of the area. The approximately three mile portion of the Allegheny Front Trail currently skirts some rather quiet and remote landscapes providing a unique experience to the adventurous hikers walking the trail. These experiences will be dramatically changed if the trains return to this area. The noise from the frequent train carloads through the valley will detract from the existing appeal of the area with the trains only a few hundred yards across the valley from the trail.

The re-activation of the line will reintroduce the exhaust fumes from the diesel engines that will again be present. Air pollution is one concern, as well as a potential for spills, along this section are also concerns. The promise of transporting solid waste, other wastes and possibly biofuels and other products could impact the soils and water along this route.

The reintroduction of trains along this route greatly increases the potential for wildfires as well. Even if the engines are kept in good repair, there is the potential for wildfire starts due to brakes, carbon emissions, and rail maintenance.

The re-activation of the line also poses interference with wildlife travel depending on the time of day the trains run.

These are the major concerns to the resource that stand out at this point. If you have any questions on this matter feel free to contact us.

Sincerely,

Robert G. Merrill Jr.
Forest District Manager
Moshannon Forest, District #9

CC: W. Wynnick
J. Fiedler
Planning Section

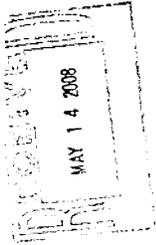
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www.dcnr.state.pa.us

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Engineering District 2-0
1924 Daisy Street Extension
P.O. Box 342
Clearfield, PA 16830



Phone: (814) 765-0400
May 13, 2008

Ms. Sandy Basehore, serving as Surface Transportation Board, Office of Economics, Environmental Analysis and Administration, Section of Environmental Analysis' independent third party consultant.
Re: Finance Docket No. 35116, R. J. Corman Railroad Co., Beech Creek Branch Line - Construction and Operation, between Wallacetown and Gorton, Pennsylvania; Preliminary Consultation.

MS SANDY BASEHORE
SKELLY AND LOY INC
2601 NORTH FRONT STREET
HARRISBURG, PA 17110

Dear Ms. Basehore:

This is in response to your letter dated April 14, 2008 concerning the R. J. Corman Railroad Company reactivation of the former Beech Creek Rail Line from Wallacetown to Gorton, PA. The enclosure of your letter appears you are interested in information regarding potential resources within the project area that may be of concern, as well as any permits and approvals that may be required.

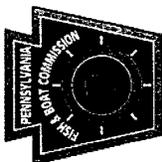
In Pennsylvania, the Public Utility Commission takes authority in the locations of railroad/highway crossings, both at-grade and over/under. In discussions with the PUC Rail Safety Manager, it was mentioned that appropriate applications would be required to reactivate the highway/rail grade crossings. The reactivation of this line will establish a minimum of 16 public and private at-grade crossings and one crossing under Interstate 80 structures. Of these at-grade crossings, nine intersect the Pennsylvania State Highway System: one minor arterial, seven rural minor collectors and one local road. Diagnostic analysis for each public crossing will have to be conducted to evaluate field conditions and types of protections required, which can range from advance warning signs, pavement markings and crossbucks to each of the previous mentioned including flashing lights and gate systems. At-grade crossing surface types will also have to be designed and accounted for at each location.

FAX: (814) 765-0424

MAY 14 2008

Pennsylvania Fish & Boat Commission

Division of Environmental Services
Natural Diversity Section
450 Robinson Lane
Belleville, PA 16823-9620
(814) 359-5237 Fax: (814) 359-5175
May 13, 2008



established 1866

IN REPLY REFER TO
SIR# 28421

SANDY BASEHORE
SKELLY AND LOY
2601 N FRONT STREET
HARRISBURG, PA 17110

RE: Species Impact Review (SIR) - Rare, Candidate, Threatened and Endangered Species
BEECH CREEK RAILLINE CONSTRUCTION
RUSH Township, CENTRE County, Pennsylvania

Dear Ms. BASEHORE:

I have examined the map accompanying your recent correspondence, which shows the location for the proposed above-referenced project. Based on records maintained in the Pennsylvania Natural Diversity Inventory (PNDI) database and our own files, the following rare or protected species are known from the vicinity of the project site:

Common Name	Scientific Name	PA Status
Timber rattlesnake	<i>Crotalus horridus</i>	candidate

Timber rattlesnakes occur in the forested, mountainous regions of the Commonwealth. They prefer forested areas to forage for small mammals (e.g., mice and chipmunks) and talus, south to southeastern facing rocky slopes for hibernating and other thermoregulatory activities. The timber rattlesnake is threatened by over hunting, poaching and habitat alteration.

In consideration of the status and sensitivity of the timber rattlesnake, please provide additional information to allow a more in-depth evaluation of the potential adverse impacts of this project on the timber rattlesnake. Color and aerial photographs of the project area (keyed to a site map or diagram), basic site plans and maps with a description of the proposed work (including access roads), project impacts, alternatives and general habitat descriptions of the project area and surroundings would expedite our review. Pending the review of this information, a timber rattlesnake survey may be requested.

If you have any questions regarding this response, please contact Tina Walther at 814-359-5186 and refer to the SIR number at the top of this letter. Thank you for your cooperation and attention to this matter of endangered species conservation and habitat protection.


Christopher A. Urbani, Chief
Natural Diversity Section

CAU/TW/mr

Our Mission: www.fish.state.pa.us
To protect, conserve and enhance the Commonwealth's aquatic resources and provide fishing and boating opportunities.

Pennsylvania Department of Transportation

Re: Finance Docket No. 35116, R. J. Corman Railroad Co., Beech Creek Branch Line – Construction and Operation, between Wallacetown and Gorton, Pennsylvania, Preliminary Consultation.
Page 2

May 13, 2008

Also brought to our attention are two locations between Wallacetown and Morrisdale areas where two structures over the former Beech Creek Rail Line have been removed and replaced with backfill material only.

The former Beech Creek Rail Line in Centre County has involvement with a rail/trail system identified as the Snow Shoe Trail. Headwaters Charitable Trust, The Pennsylvania Conservation and Natural Resources show that this trail is 20 miles in length from Philipsburg to Loch Lomond junction with eight miles under construction. The Snow Shoe Trail organization received and expended \$538,715.46 of Surface Transportation Program-enhancement funding for a project on the 2003 Transportation Improvement Program. The work consisted of repair to an existing 1,300 foot long tunnel consisting of mortaring and repointing bricks and the pressure mortaring of the areas above the existing rock masonry wall and drilling deep holes prior to placement of an aggregate trail surface within the tunnel. Also, minor drainage improvements, approximately 1,587 linear feet of trail preparation and grading and miscellaneous construction activities within an overall construction length of approximately 0.323 mile, as indicated on the drawings approved July 15, 2004.

Environmentally there could be involvement in the following subject areas:

- Public Involvement/Controversy – Opposition to the landfill development would likely include opposition to redevelopment of this rail line with discussion of the loss of the recreational facility following substantial investment by the Snow Shoe Trail.
- Aquatic Resources – Numerous waterway crossings would be required to be rehabilitated or reconstructed. Chapter 105 and Section 404, permitting would be required through the PA DEP and the USACE. Wetlands are likely present along portions of the embankment which could be involved in redevelopment of the line, further complicating permitting.
- Earth Disturbance – NPDES and Erosion and Sedimentation Control approvals would likely be required.
- Public Recreational Facilities – Although privately owned and operated, the Snow Shoe Rails to Trails Association operates and maintains a recreational trail along significant portions of the line, including over the Viaduct Trestle and through the Peale Tunnel.

Re: Finance Docket No. 35116, R. J. Corman Railroad Co., Beech Creek Branch Line – Construction and Operation, between Wallacetown and Gorton, Pennsylvania, Preliminary Consultation.
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May 13, 2008

Historic Resources – Portions of the line could be determined to be eligible for listing on the National Register of Historic Places, e.g., the Viaduct Trestle which was completed in 1884 is 720 feet long and 105 feet high or the Peale Tunnel which is a 1,300 foot long cut sandstone tunnel and any historic period sidings, tipples and other appurtenant features.

In completing an EA or an FIS, R. J. Corman would be required to address each of the environmental subject areas, including those mentioned and all others. Public involvement / controversy would likely be one of the larger hurdles to such a proposal.

The Pennsylvania Department of Transportation, Engineering District 2-0, appreciates the opportunity to respond to this subject and looks forward to participation in future planning efforts related to the potential reactivation of the former Beech Creek Rail Line.

Sincerely,



Kevin R. Kline, P.E.
District Executive
Engineering District 2-0

Clearfield County Planning Commission

650 Leonard Street - Suite 110 - Clearfield, PA 16830-3243
(814) 765-5149 FAX (814) 765-6066



Kim C. Kesner
County Solicitor
Lisa McFadden
Chief Clerk



Clearfield County

Court House
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Clearfield, PA 16830
Phone 814-765-2641
FAX 814-765-2640
ccocomm@clearfieldcounty.org

John A. Sobel
Joan Robinson-McMillen
Mark B. McCracken
County Commissioners

May 14, 2008

Ms. Sandy Baschore
Skelly & Loy, Inc.
2601 North Front Street
Harrisburg, PA 17110

Dear Ms. Baschore,

The commissioners of Clearfield County would like to thank you for the opportunity to provide comments on the potential impacts related to the reactivation of the Beech Creek Rail Line with respect to resources in Clearfield County. Clearfield County is most impacted by the harms relating to health, safety and quality of life for our citizens along the proposed route.

Clearfield County is working on economic development, tourism, community redevelopment, housing, and recreation opportunities and the reactivation of this section of rail to haul trash would be a large step in the wrong direction. Some but not all of our concerns are as follows:

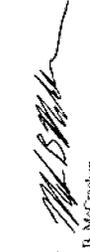
- Possible accidents spilling garbage on the roadways and contaminating surrounding ground and waterways
- Noise and odor pollution to homes and business in the surrounding areas
- Approximately 27 rail crossings throughout the line that will adversely affect citizens who have homes and/or business along the line.
- This would be in direct conflict with our County Comprehensive Plan, which has specific concern from our citizens that landfill projects are not acceptable forms of economic development.

We have unanswered questions as to the exact route of the line, where the trash is coming from and how it will be transported. Is it possible that garbage could be brought in via truck to a transfer station in Clearfield with the rail line only used to short haul the trash to the landfill. If there is even a remote possibility of this scenario, this needs to be publicly identified immediately as part of the application to reactivate the line. Also, who is going to pay for the cost (estimated to be at least \$25 million), to rebuild and reactivate the abandoned line? We certainly will oppose any government funding to activate a rail line to import trash to our region.

In closing, we would like to stress that our major concern is the negative impact that the reactivation of this rail line will have on our area. The Commissioners of Clearfield County have a long-term commitment to improving the quality of life for our citizens and a reopening a rail line to import trash is inconsistent with our long-range plans.


John Sobel, Chairman
Clearfield County Commissioners


Joan Robinson-McMillen


Mark B. McCracken

May 15, 2008

Ms. Sandy Baschore
Skelly & Loy, Inc.
2601 North Front Street
Harrisburg, PA 17110

**RE: Finance Docket No. 35116, RJ Comman Railroad Co., Beech Creek Branch Line-
Construction and Operation – between Wallaceton and Gorton, Pennsylvania
Preliminary Consultation**

Dear Ms. Baschore:

Thank you for the opportunity in which to provide comments on the potential impacts, related to the reactivation of the former Beech Creek Rail Line, to resources within Clearfield County.

Our initial investigation did not unveil the presence of any known sensitive environmental resources along the corridor within the boundary of Clearfield County. There is one crossing of an exceptional value stream, Black Bear Run, located in neighboring Centre County, which most likely will be further addressed by the Centre County Planning Office.

The impacts that we envision occurring along the section traversing Clearfield County, would be more related to health, safety and noise since the line passes through a number of residential areas including the towns of Wallaceton, Morrisdale, Alport, Munson and Winburne. Multiple crossings with state and local roadways exist requiring consideration be given for safety at those intersections. Since it is anticipated that the reactivated line will be used to haul municipal waste there would also be concern regarding possible leakage from the waste affecting the health of those residents who live in close proximity of the line; in particular those who rely upon individual on lot water sources for their sole source of drinking water. Noise, too, will be a factor since the line passes through the front and back yards of a multitude of residential homes. We ask that these issues be addressed as part of the final environmental assessment or impact statement.

Lastly, we would like to highlight a potential impact depending on whether or not this line would generate the development of a transfer station within Clearfield County. A transfer station in which municipal waste would be trucked in and loaded onto rail cars bound for the proposed landfill facility. Without being provided information as to where the waste will be loaded onto the rail cars we are unable to confirm or deny such a possibility, therefore we ask for further clarification. If such a development is possible, the resulting environmental impact could be significant due to the increased truck traffic and we would want the opportunity to provide detailed comments.

Sincerely,


Jeff Brennan, Director
Clearfield County Planning Office

cc: Clearfield County Commissioners

EE-7318

34TH DISTRICT
SENATOR JAKE CORMAN
320 HANCOCK SQUARE
HALLMARKS, PA 16107
PHONE 814-355-0477
FAX 814-355-0484



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TRANSPORTATION
UNEMPLOYMENT COMPENSATION

Senate of Pennsylvania

May 15, 2008

Ms. Victoria J. Rutson, Chief
Section of Environmental Analysis
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423-0001

Re: R.J. Corman Railroad Company/Pennsylvania Lines
Rush Township Industrial Track Construction Project

Dear Ms. Rutson:

I am writing to express my thoughts regarding the proposed reactivation of some 20 miles of former Conrail lines generally east of Wallacetown, Pennsylvania. While I consider any filing on behalf of this proposed reactivation premature at this time, considering that several federal and state agencies have yet to advance any portion of this landfill/industrial development project toward a final disposition, allow me to speak to the environmental and social economic issues that this reactivation would raise.

While I am not exact as to the previous rail history on this abandoned section of Conrail properties, I do know that the communities that it traverses have changed dramatically since the days of this corridors development and the subsequent end of the coal mining era which it last served. I am very concerned that the environmental standards of today, which were of no regard in the era when this line was originally built, **require the most complete, non-partial review that can be afforded by federal law.** This line will be running through a very rural, sparsely populated and pristine geographical setting.

While earlier populations were focused as a support to the coal or lumber industries, today's communities rely heavily on the recreation/tourism economy. Homes along this corridor haven't seen train traffic in many years and oftentimes, many newer homes or recreational dwellings have developed that are in very close proximity of the old line. Obviously, this will cause a good deal of concern from those who have made such investments.

Additionally, I must make note that the firm that has been retained to do the environmental review work for this project, Skelly & Loy, Inc., while a very reputable firm, is the same firm providing these services for the landfill/industrial developer, Resource Recovery, Inc. and this fact raises many concerns for my constituents who are opposed to this development. They do not see this partnership as an "independent" environmental review and are not trustworthy of the outcome. I trust that your oversight will ensure that an extensive and complete environmental review will be guaranteed.

Ms. Victoria J. Rutson
May 15, 2008
Page Two...

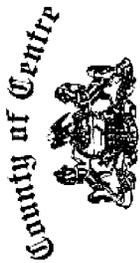
I must also add that this reactivation will disrupt the very successful development and operation of the Snow Shoe Rails to Trails Association, which now operates on lands owned by the Headwaters Charitable Trust, that encompass approximately one-half of the requested reactivation route. There needs to be a safeguarding of the state and private investments made into these facilities, in particular there needs to be a guaranteed replacement of the lost trail system and its associated connections and a reimbursement of the dollars invested to maintain the rail corridors existing infrastructure.

I thank you for your kind review of my comments in this important matter.

Sincerely,

Senator Jake Corman

JDC:jre



PLANNING AND COMMUNITY DEVELOPMENT OFFICE

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May 16, 2008

Ms. Victoria Rutson, Chief
Section of Environmental Analysis
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

RE: R.J. Corman Railroad Co. Beech Creek Branch Line Reactivation Request

Ms Ruston,

The Centre County Planning and Community Development Office appreciates the opportunity to provide comments to the Surface Transportation Board (Board) regarding the requested R.J. Corman rail line reactivation from Wallaceeton, Clearfield County to Gorton, Centre County. These comments include background information, potential resources/ environmental conditions, required permits, and outstanding reviews and approvals related to the proposal that have not been addressed by the end user of the requested rail line reactivation.

The requested rail line reactivation by R. J. Corman is intended to serve a proposed landfill in Rush Township, Centre County that is to be operated by Resource Recovery LLC (RR LLC) from Lancaster, PA. The parcel intended for this use is within Rush Township and Snow Shoe Township. Currently, this use and the other industrial uses mentioned in your correspondence dated April 14, 2008 have not been approved. A brief status of this proposal is as follows:

- Host agreement between RR LLC and Rush Township - 5/04
- Zoning amendment request in Snow Shoe Township denied 6/04
- Point of Access (POA) study for I-80 Interchange deemed inconsistent with local and County planning – 7/05
- Landfill permit submittal to PA Department of Environmental Protection (PA DEP) – 5/06

- POA Study for I-80 Interchange deemed incomplete by the Federal Highway Administration (FHWA) until RR LLC compiles NEPA environmental study – 1/07
- PA DEP suspends landfill permit review until RR LLC completes NEPA environmental study as instructed by FHWA – 2/07
- RR LLC submits land development plan (landfill only) to Rush Township. Township Engineer and Centre County review plan based on Rush Township Ordinances and recommend that the plan be denied due to numerous plan deficiencies and waiver requests – 2/08

Although this brief status is not inclusive, it should provide the Board and their Section of Environmental Analysis (SEA) an indication of what is currently required of RR LLC prior to any approvals for their intended land use activity.

As part of the SEA's environmental document, the Planning Office recommends that the following items be evaluated and included in the environmental document:

Wetlands

The US Fish and Wildlife Service (USFWS) identified nearly 11 acres of wetlands on the property proposed for the landfill. The USFWS and other resource agencies such as the US Army Corps of Engineers and the PA DEP have stated that any aquatic resources be identified on the entire 5,762 acre parcel. Consistent with the FHWA requirements for the POA study, the SEA and their consultant should review the entire length of the proposed rail activation area and the property for potential impacts aquatic resources/ wetlands.

Special Protection Streams

The PA DEP identifies special protection streams in terms of their ability to support aquatic resources. These streams or cold water fisheries have various levels of importance and merit protection when they are potentially impacted by discharges and other activities. A segment of the rail line in Rush Township traverses Black Bear Run in the Moshannon State Forest. The PA DEP classifies Black Bear Run as an Exceptional Value Cold Water Fishery. This must be addressed as part of the environmental evaluation.

Centre County Natural Heritage Inventory

In 2002, the Western PA Conservancy completed a study and mapped Centre County's most significant natural places by identifying plant and animal species unique or uncommon. This study and Clearfield County's (if applicable) must be evaluated as part of the environmental evaluation.

Flood Hazard Areas

Recently, the Federal Emergency Management Agency (FEMA) revised the Flood Insurance Rate Maps (FIRMs) for Centre County. These maps were revised using aerial photography and are provided in digital format. Portions of the rail line in Rush Township are identified adjacent 100 year floodplain areas. These flood plain areas must be reviewed and included as part of the environmental evaluation.

Historic Resources

There are sections of the rail line that merit consideration and may be eligible for listing on the National Register of Historic Places. The Viaduct Bridge over the Moshannon Creek built in 1884 is 779 feet in length and 119 feet high. Constructed entirely of iron with the exception of the rail ties, this bridge known as the "Great Moshannon Viaduct" is an excellent example of advanced railroad structural engineering.

In addition to the bridge, the Peale Tunnel is another example of classic engineering constructed in 1884 from cut stone. This tunnel is 1,277 feet in length and constructed with the cut and fill technique. Consultation with Pennsylvania historic and Museum Commission regarding these unique structures is strongly recommended during the environmental evaluation.

Repaired in 2004 using over \$500,000 of federal Surface Transportation Program – Enhancement funding, there is a required repayment of the funds if the rail line is to be reactivated. Coordination with the Pennsylvania Department of Transportation (PennDOT) is required due to the specific agreements related to the recent tunnel repairs.

Recreational Facilities

The rail line impacts several recreational facilities within the County. A section of the rail line traverses the Moshannon State Forest. Consultation with the PA Department of Conservation and Natural Resources must be conducted to determine any potential impacts to this recreational area.

The other recreational resources that will receive the most impact is the Snow Shoe Rail Trail Association's (SSRTA) facility owned by the Headwaters Charitable Trust that utilizes a large portion of the identified rail line proposed for reactivation. This private association has members over 2,000 members that come from across the Commonwealth to use this facility. Economic development activity in the form of new businesses have been created due to the popularity of this trail system

It is important to note that the SSRTA is working with the PA DCNR to secure grants to develop and extend this trail facility into Clearfield County. Consultation with the PA DCNR, SSRTA, and the Headwaters Charitable Trust must be completed as a part of this environmental evaluation.

Land Use/Zoning

The map submitted as part of the request for comments indicates that the rail line reactivation extends into Snow Shoe Township near Gorton and its intersection with Gorton Road. As mentioned above, Snow Shoe Township denied a zoning amendment requested by RR LLC in 2004. The current zoning on the property is Forest – Open Space and does not permit industrial uses and their associated activities. Although there are no specific details, it appears as though the Gorton area may be proposed as the rail terminus point where the solid waste materials will be off loaded to trucks for transport to the landfill. This activity would be deemed an industrial use - rail/truck terminal activity and is not permitted. Prior to any determination by the Board and their SEA, this issue must be clarified.

In addition the rail terminus point as shown in Gorton is directly adjacent to existing residences along Gorton Road. The impacts from the movement of solid waste via rail and truck in this area would be detrimental to the residences. This is similar to the concerns in Clearfield County where the rail line traverses numerous communities and residences and must be addressed.

Independent Third Party Consultant

As stated in your correspondence, Skelly and Loy, Inc. was selected as the independent third party consultant that will assist the SEA in the preparation of the environmental document. Based on previous correspondence you have available for public review, it is indicated that RR LLC and R. J. Corman retained Skelly and Loy, Inc for environmental consulting services prior to being named as the SEA's third party consultant. Having read the Board's explanation of their selection process for third party consultants, it is anticipated that the development of the environmental document with complete direction and oversight by the SEA will be conducted in an un-biased manner.

The Planning Office again would like to thank the Board for requesting our comments on this proposal. Should you require additional information, please let me know.

Sincerely,

 Robert B. Jabobs, AICP
 Planning Director

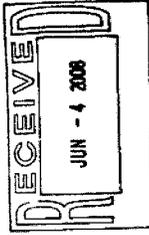
pc: Centre County Board of Commissioners
 Rush Township Supervisors
 Snow Shoe Township Supervisors
 Jodi Brennan, Clearfield County Planning Director



U. S. Department
of Transportation
Federal Railroad
Administration

Region II

Baldwin Towers
1510 Chester Pike
Suite 600
Crum Lynae, PA 19022



June 2, 2008

Ms. Sandy Baschore
Skelly and Loy, Inc.
2601 North Front Street
Harrisburg, PA 17110

Dear Ms. Baschore:

Thank you for the letter to the Federal Railroad Administration (FRA), Region 2 office concerning the reconstruction of the Beech Creek Branch between Wallaceton, PA, and Gorton, PA. On behalf of the Surface Transportation Board, you had requested information regarding potential resources with the project area that may be of concern as well as any permits and approvals that may be required.

The purpose of FRA is to promulgate and enforce rail safety regulations; administer railroad assistance programs; conduct research and development in support of improved railroad safety and national rail transportation policy; provide for the rehabilitation of Northeast Corridor rail passenger service; and consolidate government support of rail transportation activities.

We have reviewed the documentation concerning the Beech Creek Line and the FRA has no permitting requirements concerning such a project. In addition, FRA is not and/or does not have a mandate or regulatory authority to comment on environmental impact issues.

I hope the above answers your inquiry; however, if you have any further questions please feel free to contact Mr. Christopher Schulte, Track Specialist Supervisor (610) 521-8201.

Thank you for your interest in railroad safety.

Sincerely,

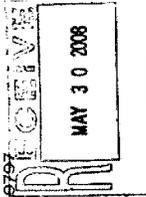
David Myers
Regional Administrator



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA GAME COMMISSION
2001 ELMERTON AVENUE, HARRISBURG, PA 17110-0797

May 20, 2008

Ms. Sandy Baschore
Skelly and Loy, Inc.
2601 North Front Street
Harrisburg, PA 17110



In re: Finance Docket No. 35116, RJ Corman Railroad Company
Beech Creek Branch Line
Centre and Clearfield Counties, PA

Dear Ms. Baschore:

This is in response to your letter dated April 14, 2008 requesting information concerning state listed endangered and threatened species of birds and mammals as related to this project.

The project(s) listed above should not have any known impact on state listed bird or mammal species. Should project plans extend beyond the present study area, or if additional information on endangered or threatened species of birds or mammals becomes available, this review may be reconsidered. This reply relates only to species of special concern and does not address other potential concerns of the Pennsylvania Game Commission.

Please contact me at (717) 787-4250 if you have any questions.

Very truly yours,

Kevin Mixon
Division of Environmental
Planning and Habitat Protection
Bureau of Wildlife Habitat Management

ADMINISTRATIVE BUREAU:

PERSONNEL: 717-787-7636 ADMINISTRATION; 717-787-5670 AUTOMOTIVE AND PROCUREMENT; 717-787-6594
LICENSE DIVISION; 717-787-2084 WILDLIFE MANAGEMENT; 717-787-5525 INFORMATION & EDUCATION; 717-787-6286
WILDLIFE PROTECTION; 717-787-5740 WILDLIFE HABITAT MANAGEMENT; 717-787-6931 REAL ESTATE; 717-787-6569
AUTOMATED TECHNOLOGY SYSTEMS; 717-787-4078

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Pennsylvania Department of Conservation and Natural Resources

Bureau of Forestry

June 6, 2008

PNDI 019648



June 6, 2008

Bureau of Forestry

Ms. Sandy Baschore
Skelly & Loy, Inc.
2601 North Front St
Harrisburg, PA 17110

Pennsylvania Natural Diversity Inventory Review, PNDI Number 19648
RJ Corman Railroad Co., Proposed Beech Creek Branch Line Construction and Operation
between Wallacetown & Gordon PA (Finance Docket No. 35116)
Clearfield & Centre Counties

Dear Ms. Baschore,

This responds to your request for information on species of special concern within the area under evaluation for this project. We screened this project for potential impacts to species and resources of special concern under the Department of Conservation and Natural Resources responsibility, which includes plants, natural communities, terrestrial invertebrates and geologic features only.

PNDI records indicate that species and communities of special concern under DCNR's jurisdiction are known to occur in the vicinity of the above-mentioned project. Please see the attached list for known species found in the vicinity of the project area. If any earth disturbance is planned or more detailed project information becomes available, please coordinate with our office for further review of potential impacts to the attached species list, as a survey may be requested.

Also, the letter from Surface Transportation Board dated April 14, 2008, states that there may be additional proposed industrial developments associated with this project. Once more information is available on these potential developments, please submit them to our office for review as well. The species of special concern given in the attached list apply only to the proposed rail line construction.

This response represents the most up-to-date summary of the PNDI data files and is good for one (1) year from the date of this letter. An absence of recorded information does not necessarily imply actual conditions on-site. A field survey of any site may reveal previously unreported populations. Should project plans change or additional information on listed or proposed species become available, this determination may be reconsidered.

This finding applies to impacts to plants, natural communities, terrestrial invertebrates and geologic features only. To complete your review of state and federal-listed species of special concern, please be sure the U.S. Fish and Wildlife Service, the PA Game Commission and the Fish and Boat Commission has been contacted regarding this project either directly or by performing a search with the online PNDI ER Tool found at www.harrisburgdcnr.state.pa.us.

Rebecca H. Bowen
Rebecca H. Bowen, Environmental Review Specialist, PNHP
DCNR/BOF/PNDI, PO Box 8552, Harrisburg, PA 17105 -- Ph: 717-772-4258 -- F: 717-772-4071 -- e-bowen@state.pa.us

Stewardship Partnership Service

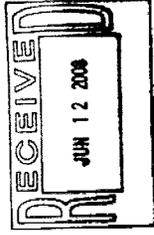
www.dcnr.state.pa.us

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Plants of Special Concern

Scientific Name	Common Name	Current Status	Proposed Status	Habitat	Flowering time
<i>Sparganium angustifolium</i>	Branching Bur-reed	PA Endangered	PA Endangered	wet meadows, swales, stream banks and shallow water	fruit July-Sept
<i>Prunus alleghaniensis</i>	Alleghany Plum	Not Protected	PA Threatened	rocky bluffs, shale barrens, roadsides and floodplains	flower April-early June, frt. Aug.
<i>Polygonum careyi</i>	Pinkweed, Carey's smartweed	PA Endangered	PA Endangered	sandy, open woodlands and disturbed places, particularly after fire	summer and early fall
<i>Stellaria borealis</i>	Mountain starwort	Not Protected	Tentatively Undetermined	springs, wooded slopes, sphagnum swamps and streams	Fl. May-Aug
<i>Gaultheria hispida</i>	Creeping Snowberry	PA Rare	PA Rare	wet woods and bogs	flower June, fruit Sept
<i>Lonicera villosa</i>	Mountain fly honeysuckle	PA Endangered	PA Endangered	bogs, swamps and wet thickets	flowers May, fruits July

These species of special concern are known in the vicinity of the rail line project.



COOPER TOWNSHIP
 PO BOX 208
 KYLERTOWN, PA 16847

(814) 345-6571
 Fax (814) 345-6069

June 11, 2008

Ms. Sandy Baschore
 Skelly and Loy, Inc.
 2601 North Front Street
 Harrisburg, PA 17710

RE: Finance Docket No. 35116, RJ Corman Railroad Co., Beech Creek Branch Line- Construction and Operation - between Wallaceport and Gorton, Pennsylvania; Preliminary Consultation

Dear Ms. Baschore:

Thank you for the opportunity in allowing us to share our concerns about the letter we received from the Surface Transportation Board. Cooper Township will be impacted in a wide variety of areas.

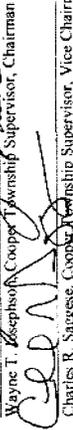
There are many concerns with the harms it may cause. Here are some of the following thoughts we would like to express:

- What will be the effects on the health and safety of our residents and wildlife?
- Traffic will have an impact on our roads and through the backyards of our properties owners.
- Decline of property values in our township and surrounding townships...
- We have 1450 water customer's main source of water is close to Six Mile Run and Black Bear Run which would be affected by any drainage or spillage, which in order runs into Red Moshannon Creek.
- Noise and odor pollution that no one wants in their backyard.

In closing there a lot of unanswered questions. Who will take responsibility to repair any damage to health and safety of our residents, plus roadways and waterways? You can not repair a lot of damage once it is done and who will pay? Our residents are very important to us and it is our job to protect them. So because of this we are not in favor of the proposed reactivation of the railway or of the proposed landfill facility.

Please keep us informed of any meeting or any proposed changes that may arise.

Sincerely,

 Wayne T. Depison, Cooper Township Supervisor, Chairman

 Charles R. Saggese, Cooper Township Supervisor, Vice Chairman

Charles S. Engelman, Cooper Township Supervisor

EJ-7577



Clearfield County
 Clearfield, PA 16830
 Phone 814-765-2641
 FAX 814-765-2640

Kim C. Kesner
 County Solicitor
 Lisa McFadden
 Chief Clerk

John A. Sobel
 Joan Robinson McMillen
 Mark B. McCracken
 County Commissioners

June 10, 2008

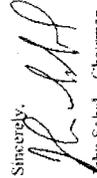
Victoria Rutson
 Environmental Analysis Surface Transportation Board
 1925 K Street, N.W.
 Washington, DC 20423

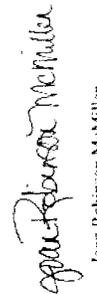
Dear Ms. Rutson,

We are writing you this follow up letter concerning the reactivation of the Beech Creek Rail Line by RJ Corman. We would request that a full Environmental Impact Study be performed before a final decision is made on the reactivation request. There are concerns that need addressed relating to the health, safety and quality of life for our citizens along the proposed route.

We would also request that representatives of Clearfield County Government, and specifically our Director of Planning and Solid Waste Jodi Brennan, be involved in the process to decide on the reactivation of the Beech Creek Rail Line.

In closing we would like to stress that our major concern is the negative impact the reactivation of this rail line will have on our area and our citizens. The Commissioners of Clearfield County have a long-term commitment to improving the quality of life for our citizens and reopening a rail line to import trash is inconsistent with our long-range plans.

Sincerely,

 John A. Sobel - Chairman
 Clearfield County Commissioners


 Joan Robinson McMillen

Mark B. McCracken

EO-1079



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

October 7, 2008

Mr. Wade Chandler
U.S. Army Corps of Engineers - Baltimore District
Post Office Box 1715
Baltimore, Maryland 21203-1715

Re: STB Finance Docket No. 35116, R.J. Corman Railroad Company/Pennsylvania Lines, Inc. - Petition for Exemption to Construct and Operate a Rail Line between Wallacetown (Clearfield County) and Gorton (Centre County), Pennsylvania

Dear Mr. Chandler:

The purpose of this letter is to invite the U.S. Army Corps of Engineers (Corps) to participate as a cooperating agency in an environmental review of the project described below:

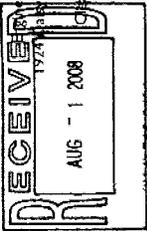
On May 20, 2008, R.J. Corman Railroad Company/Pennsylvania Lines, Inc. filed a petition with the Surface Transportation Board (Board) pursuant to 49 U.S.C. 10502, requesting authority to reconstruct and operate an abandoned 10.8-mile rail line between Wallacetown Junction and Winburne in Clearfield County, Pennsylvania and to rebuild the track on a connecting 9.3-mile of currently railbanked line between Winburne and Gorton in both Clearfield and Centre Counties, Pennsylvania. The proposed 20 miles of rail line, referred to as the Beech Creek Branch Line, would serve a new quarry, landfill and industrial park currently being developed by Resource Recovery, LLC, near Gorton in Rush Township, Centre County, Pennsylvania.

The construction and operation of this project has the potential to result in significant environmental impacts, including unavoidable impacts to wetlands and watercourses. As a result, the Board's Section of Environmental Analysis (SEA) has determined that the preparation of an Environmental Impact Statement (EIS) is appropriate. SEA intends to issue the Notice of Intent to Prepare an EIS, as well as the Draft Scope of Study, in the near future. SEA also plans to hold a public scoping meeting as part of the EIS process.

Based on preliminary agency consultations and field reconnaissance of the project area conducted by SEA and its third-party contractor (Skelly and Loy, Inc.), SEA believes that the proposed project could impact resources (i.e., wetlands and watercourses) that fall under the



Engineering District 2-0
1929 Main Street Extension
PO Box 342
Clearfield, PA 16830



Phone: (814) 765-0900
August 1, 2008

Ms. Sandy Bashore, serving as Surface Transportation Board, Office of Economics, Environmental Analysis and Administration, Section of Environmental Analysis' independent third party consultant
Re: Finance Docket No. 35116, R.J. Corman Railroad Co., Beech Creek Branch Line-Construction and Operation, between Wallacetown and Gorton, Pennsylvania; Preliminary Consultation

MS SANDY BASHORE
SKELLY AND LOY INC
2601 NORTH FRONT STREET
HARRISBURG PA 17110

Dear Ms. Bashore:

I am writing to clarify the Department of Transportation's, Engineering District 2-0, response submitted to you May 13, 2008 concerning the R. J. Corman Railroad Company reactivation of the former Beech Creek Rail Line from Wallacetown and Gorton, PA.

Page 2 of the Pennsylvania Department of Transportation, Engineering District 2-0 response indicates that, environmentally, there could be involvement in public recreational facilities. The comments that follow in the original response are being perceived as though the trail is privately owned and operated. The privately owned and operated comment was intended for the Snow Shoe Rails to Trails Association only, and not to be perceived as though the trail was also privately owned by this group. It is our understanding that the trail is a public accessible multi-use facility and that the operating interest of the Snow Shoe Rails to Trails Association is for the safety of the hiking, biking, horseback riding, backpacking, ATV and snowmobile users of this trail.

Please accept these clarification comments in addition to our original response.

Sincerely,

Kevin R. Kline, P.E.
District Executive
Engineering District 2-0

FAX: (814) 765-0424

Pennsylvania Department of Transportation

SCB
RECEIVED
OCT 27 2008

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
FOR DDA 7115
BALTIMORE, MD 21280-1715

OCT 24 2008



DEPT OF THE ARMY
ACTING DIRECTOR

Operations Division

Ms. Victoria Rutson
Chief, Section of Environmental Analysis
Surface Transportation Board
Washington, DC 20423

Dear Ms. Rutson:

This is in reference to your letter dated October 7, 2008 concerning the Surface Transportation Board's (Board) intent to prepare an Environmental Impact Statement (EIS) for the construction and operation of a 20-mile rail line between Wallaceon (Clearfield County) and Gorton (Centre County), Pennsylvania. The proposed rail line would serve a new quarry, landfill, and industrial park being developed by Resource Recovery, LLC, near Gorton in Rush Township, Centre County, Pennsylvania.

The Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1501.6 and 1508.8) define and address agency roles to facilitate cooperation and compliance under NEPA. Cooperating agencies are encouraged to participate in the NEPA process early on and provide information and environmental analysis for which they have special expertise to the lead agency, in this case the Board. The benefits for cooperating agency participation in the preparation of documentation and analysis include avoiding duplication with other Federal, State, and local procedures as well as enhancing the ability of the agencies to adopt environmental documentation for making decisions. The Corps has the responsibility and authority to regulate portions of the proposal that affect waters of the U.S., including jurisdictional wetlands, and has the expertise necessary to assist the Board with meeting its statutory requirements. Therefore, in accordance with the CEQ regulations, we are accepting your invitation to be designated as a cooperating agency for the EIS for this project.

We appreciate being invited to provide comments during the development of the EIS, and we look forward to working with you as a cooperating agency. If you have any questions regarding this matter, please call the project manager, Michael Dombroskie at (814)235-0571.

Sincerely,

Wade B. Chandler
Wade B. Chandler
Acting Chief, Pennsylvania Section

jurisdictional authority of the Corps. Therefore, consistent with 40 CFR 1501.6, we are inviting your office to participate as a cooperating agency in the preparation of this EIS because of the Corps' special expertise and jurisdiction by law.

If you have any questions, please feel free to contact Danielle Gosselin of my staff at 202-245-0300 (e-mail address: danielle.gosselin@sbh.dot.gov), or Sandy Basehore, Skelly and Loy project manager, at 717-232-0593 (e-mail address: sbasetore@skellytoy.com). We look forward to working with you on this project.

Sincerely,
Victoria Rutson
Victoria Rutson
Chief
Section of Environmental Analysis

2601 North Front Street
Harrisburg, PA 17110-1185
E-mail: skellyloy@skellyloy.com
Internet: www.skellyloy.com

Phone: 717-232-0593
800-692-6532
Fax: 717-232-1799



October 9, 2008

Copy Furnished:

Danielle Gosselein, Board
Sandy Beschor, Skelly and Loy
U.S. Environmental Protection Agency, Region III
U.S. Fish & Wildlife Service, State College Field Office
PADPEP, Northeastern Regional Office
PA Fish & Boat Commission
PA Historical and Museum Commission
Centre County Conservation District
Clearfield County Conservation District

Mr. Douglas C. McLearn
Bureau for Historic Preservation
Commonwealth Keystone Building, Second Floor
400 North Street
Harrisburg, Pennsylvania 17120-0093

Re: Beech Creek Railroad Reactivation
Project, Wallaceon, Boggs, Morris,
and Cooper Townships, Clearfield
County, and Rush and Snow Shoe
Townships, Centre County, Penn-
sylvania

Dear Mr. McLearn:

Skelly and Loy, Inc. is pleased to provide a copy of the Pennsylvania Historic Resource Survey form for the Beech Creek Railroad, Wallaceon to Gorton section, for the referenced project. No archaeological survey is anticipated for this project. The existing rail bed remains intact, except an area of surface mining. The reactivation project will place rails back on the existing rail bed. The bridges remain intact and, according to a recent inspection, are able to carry the anticipated loads with only minor repairs. No construction is anticipated outside of the existing cut-and-fill of the existing rail bed. Other remains, such as signal tower foundations, siding beds, and tipple remains, lie outside of the anticipated limits of disturbance. As a result, Skelly and Loy does not recommend an archaeological survey.

Please contact me at the above number if you have any questions.

Sincerely yours,

SKELLY and LOY, Inc.

Douglas Dinsmore, Ph.D.
Cultural Resource Specialist

Enclosure

cc: Danielle Gosselein, Surface Transportation Board
Jackie Melander, Centre County Historical Society
Kevin Starnery

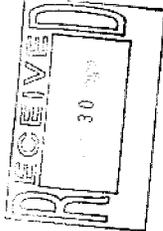
File: F08-0101.002

File: McLEAREN_DD.doc

Office Locations: Pittsburgh, PA Morgantown, WV State College, PA Hagerstown, MD



Commonwealth of Pennsylvania
Pennsylvania Historical and Museum Commission
Bureau for Historic Preservation
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120-0069
www.phmc.state.pa.us



October 28, 2008

Dr. Douglas Dinsmore
Skelly and Loy
2601 North Front Street
Harrisburg, PA 17110-1185

Re: ER 08-1481-042-B
SUB: Beech Creek Railroad Reactivation Project, Wallacetown, Boggs,
Morris and Cooper Townships, Clearfield County and Rush, Snow Shoe
Townships, Centre County

Dear Dr. Dinsmore:

The Bureau for Historic Preservation (the State Historic Preservation Office) has reviewed the above named project in accordance with Section 106 of the National Historic Preservation Act of 1986, as amended in 1980 and 1992, and the regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation as revised in 1999 and 2004. These regulations require consideration of the project's potential effect upon both historic and archaeological resources.

Your request does not include sufficient information. We are unable to proceed with our review for the National Register eligibility of the Beech Creek Railroad until the information is provided.

1. Document the role of the Beech Creek Railroad to the New York Central Railroad as the only provider or only provider of coal for the region?
2. Access integrity of the whole line (only 20 miles of the 100 mile line have been evaluated)?
3. Provide a context on the structures in the section of the line. How do these tunnels, viaducts and bridges compare to others on the line
4. Provide more information on specific engineering features of the tunnel, viaduct and other structures.

Page 2
D. Dinsmore
Oct. 28, 2008

If you need further information regarding historic structures please consult with Susan Zaehner at (717) 783-9929.

Sincerely,

Susan Zaehner
Douglas C. McLaren, Chief
Division of Archaeology &
Protection

DCM/smz

KJS

2801 North Front Street
Harrisburg, PA 17110-1185
E-mail: skellyjoy@skellyjoy.com
Internet: www.skellyjoy.com

Phone: 717.232-0593
800-892-6532
Fax: 717.232-1799



November 12, 2008

Ms. Rebecca H. Bowen
Environmental Review Specialist
Pennsylvania Department of
Conservation and Natural Resources
Bureau of Forestry
Pennsylvania Natural Diversity Inventory
Post Office Box 6552
Harrisburg, Pennsylvania 17105-6552

Re: Threatened and Endangered Species, Field Survey Report, RJ Corman Railroad Co., Proposed Beech Creek Branch Line Construction and Operation Between Wallacetown and Gorton, Pennsylvania
PER No. 19648

Dear Ms. Bowen:

Skelly and Loy, Inc. has been retained by the U.S. DOT Surface Transportation Board-Section for Environmental Analysis to assist with the threatened and endangered species coordination for the RJ Corman Railroad Co. development project. The initial PNDI coordination response letter dated June 6, 2008 (attached), listed the following six potential species that occur in the vicinity of this project area.

- Branching Bur-reed (*Sparganium angustifolium*), current status PA endangered, known to inhabit wet meadows, swales, streambanks, and shallow water
- Allegheny Plum (*Prunus alleghaniensis*), currently not protected but proposed as a PA threatened species and it is found on rocky bluffs, shale barrens, roadsides, and floodplains
- Pinkweed or Carey's Smartweed (*Polygonum careyi*), current status PA endangered, known to inhabit sandy, open woodlands, and disturbed places, particularly after fire
- Mountain Starwort (*Stellaria borealis*), currently not protected but proposed as tentatively undetermined and is found on springy wooded slopes, sphagnum swamps, and streams

Office Locations: Pittsburgh, PA Morgantown, WV State College, PA Hagerstown, MD

Ms. Rebecca H. Bowen
Page 2
November 12, 2008

- Creeping Snowberry (*Gaultheria hispida*), PA rare and found in wet woods and bogs
- Mountain Fly Honeyuckle (*Lonicera villosa*), PA endangered found in bogs, swamps, and wet thickets

A field survey was conducted in the 2008 growing season by Skelly and Loy's botanist search for potential habitat and individual plants of each species. The field surveys were conducted on July 16 and September 24, 2008. This field work was supplemented by aerial map office review. The field survey and map review identified several habitats along the approximate 20-mile existing right-of-way. The main study area is the old railroad's existing right-of-way that is predominately "roadside" habitat consisting of the rail bed base of stone, gravel, or dirt surrounded on each side by herbaceous old field with areas of shrubs and small tree growth intermixed. There are several waterway crossings and a few wetlands in the right-of-way. A majority of this old right-of-way is maintained for active ATV use so the woody vegetation is controlled and not allowed to succeed to full growth; therefore, the study area is disturbed on a regular basis. Additionally, the right-of-way has other vegetative habitats and developed areas adjacent to the existing rail line. These include residential/commercial areas; road crossings (active and old); non-reclaimed mined areas; some reclaimed mined areas; old fields; mixed shrub areas; deciduous, coniferous, or mixed forest areas; streams; and wetlands. However, none of the areas outside of the existing right-of-way will be impacted by the railroad line construction; they are noted for a general area description.

The field survey concluded that some areas of potential habitat are present in the right-of-way, adjacent to the right-of-way, and/or in the immediate vicinity of the project area for all six species. The following lists the conclusion for each species.

Branching Bur-reed - There is potential habitat in the form of wetlands, swales, and streams throughout the project area; however, only one wetland, Wetland 012, had any *Sparganium species* present. A specimen was collected for office identification but due to the time of year it was not in good enough condition to make a positive identification. This wetland is recommended to be revisited next field season to confirm the species of *Sparganium*. This wetland will be slightly impacted due to the new rail line construction, but not all of the area that contains the *Sparganium* will be impacted. Placement of protective fence and use of erosion and sedimentation controls in this area will reduce impact to the majority of Wetland 012 and the *Sparganium* population.

Allegheny Plum - There are areas of rocky bluffs, mostly to the eastern end of the project area, plus roadside and floodplain habitat found the length of the project area. The field survey did not locate any actual Allegheny Plum; therefore, no impact to this species is anticipated from the construction of this rail line. Some areas of habitat may be disturbed during construction but no actual plant impacts.

Ms. Rebecca H. Bowen
Page 4
November 12, 2008

The field survey concluded that there is general habitat for each plant present either in or adjacent to the project area. However, any habitat within the right-of-way where the work will be conducted has been disturbed in the past and is presently disturbed due to ATV traffic and vegetation control along the rail line in these areas. No plants were found other than one *Sparganium* species that may be the listed species; this will be confirmed in the 2009 field season. There will be some minor impact to the habitat for these plants due to drainage work or clearing vegetation adjacent to the rail line, but no direct impact to any plants is anticipated at this time other than possibly the *Sparganium*.

Thank you in advance for your attention to this matter. We look forward to receiving your reply at your earliest convenience concerning your concurrence with the 2008 field report conclusions and providing any updates for additional field work required in 2009, if necessary. Please call me if you have any questions regarding this matter.

Sincerely yours,
SKELLY and LOY, Inc.

Karen M. Johnston
Bolanst

Enclosures

cc: Kevin Starner
Tom Johnston
R08-0101.002
File: FIELD_REPORT_KMJ.doc

Ms. Rebecca H. Bowen
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November 12, 2008

Pinkweed - The old rail bed edges within the right-of-way contain a disturbed area habitat, but none is the result of fire. Mowing, herbicide application, and ATV traffic are the basis of the disturbed condition. Therefore, the general habitat for this plant is present and will be impacted during construction, but no individual plants of this species were found along the project area. The few *Polygonum* species found were associated with the wetlands and stream edges. No areas of "woodlands" will be disturbed, only the woody species in the mixed old field areas along the railroad bed in the right-of-way. Therefore, no impact to this species will occur from the construction of this project.

Mountain Starwort - A few areas of spring-fed wooded slopes were present and may have minor disturbance related to drainage improvements in these areas. However, no Mountain Starwort plants were found in any of these areas; therefore, there will be no impact to the plant species, just minor impact to the habitat will occur. Wetland 012 below the railroad right-of-way does become a wetland/stream complex that has sphagnum moss present, but this area will not be impacted by the project since it is well out of the right-of-way. Upslope erosion and sedimentation measures will avoid impact to this area during construction. Therefore, no impact to this species will occur due to the construction of this project.

Creeping Snowberry - The wetland forest areas located in the project area and near vicinity will not be impacted by this project. There were no bog areas found in the area and no creeping snowberry plants. Therefore, this project will not impact this species.

Mountain Fly Honey-suckle - There were no bogs found in the study area or in the vicinity. There were several palustrine forested wetlands found but they were not really swamps and only parts could be called wet thickets. Also, no Mountain Fly Honey-suckle plants were found. Since no plants were found and none of the forested wetlands will be impacted, no impact to this species will occur due to the construction of this project.

Since the proposed work will be within the past railroad right-of-way, no new non-disturbed habitat for any species will be impacted. The existing railroad bed will be improved and railroad ties will be put down on the existing alignment. There will be some new drainage and pipe and/or culvert crossing work completed as necessary, but all this work will be completed within the existing right-of-way. Erosion and sedimentation control protection will be used around all waterways and wetlands thereby protecting the resource from unnecessary impacts. The only impacts will be associated with the actual drainage, pipe, and/or culvert improvement/replacement and to the few wetland or waters located in the right-of-way. No plants were found during the 2008 field season in any of these impact areas.



Pennsylvania Department of Conservation and Natural Resources



December 2, 2008

Bureau of Forestry

Ms. Sandy Baschore
 Shelly & Loy, Inc.
 2601 North Front St.
 Harrisburg, PA 17110

Pennsylvania Natural Diversity Inventory Review, PNDI Number 19648
 RJ Corman Railroad Co., Proposed Beech Creek Branch Line Construction and Operation
 between Wallaceton & Gorton PA (Finance Docket No. 351116)
 Clearfield & Centre Counties

Dear Ms. Baschore,

This responds to your request about a Pennsylvania Natural Diversity Inventory (PNDI) ER Tool "Potential Impact" or a species of special concern impact review. We screened this project for potential impacts to species and resources of special concern under the Department of Conservation and Natural Resources' responsibility, which includes plants, natural communities, terrestrial invertebrates and geologic features only.

Our office received this project in April of 2008 and responded in June providing information on species known to be found in the vicinity including *Sparangium androcladum*, *Prunus alleghaniensis*, *Polygonum careyi*, *Stellaria borealis*, *Gaultheria hastulata* and *Lonicera villosa*. A survey was performed by Shelly & Loy for the species listed above on July 16 and September 24, 2008. The results of this survey were received in our office November 12, 2008.

The following summarizes DCNR's understanding of the outcome of the investigations, as well as our concerns. Also, the survey information did not include the botanical field survey forms for each species and maps showing areas surveyed. Please submit these forms (<http://www.naturalheritage.state.pa.us/IntegrFieldSurveyForm.pdf>, remainder one species per form) and maps to our office for the follow-up surveys as well as the previous surveys.

***Sparangium androcladum* (Branching Buttercup)**

Potential habitat was surveyed, including wetlands, swales and streams. Wetland 012 was found to have a specimen of *Sparangium* present, however it was not possible to identify to the species level. In the survey report, Shelly & Loy recommend that this wetland be revisited next field season to confirm the identity of the species. Some disturbance is planned to this species' habitat. Please verify the identity of this *Sparangium* specimen to the species level. Please include botanical field survey forms, maps showing areas surveyed for this species and photos of diagnostic characteristics.

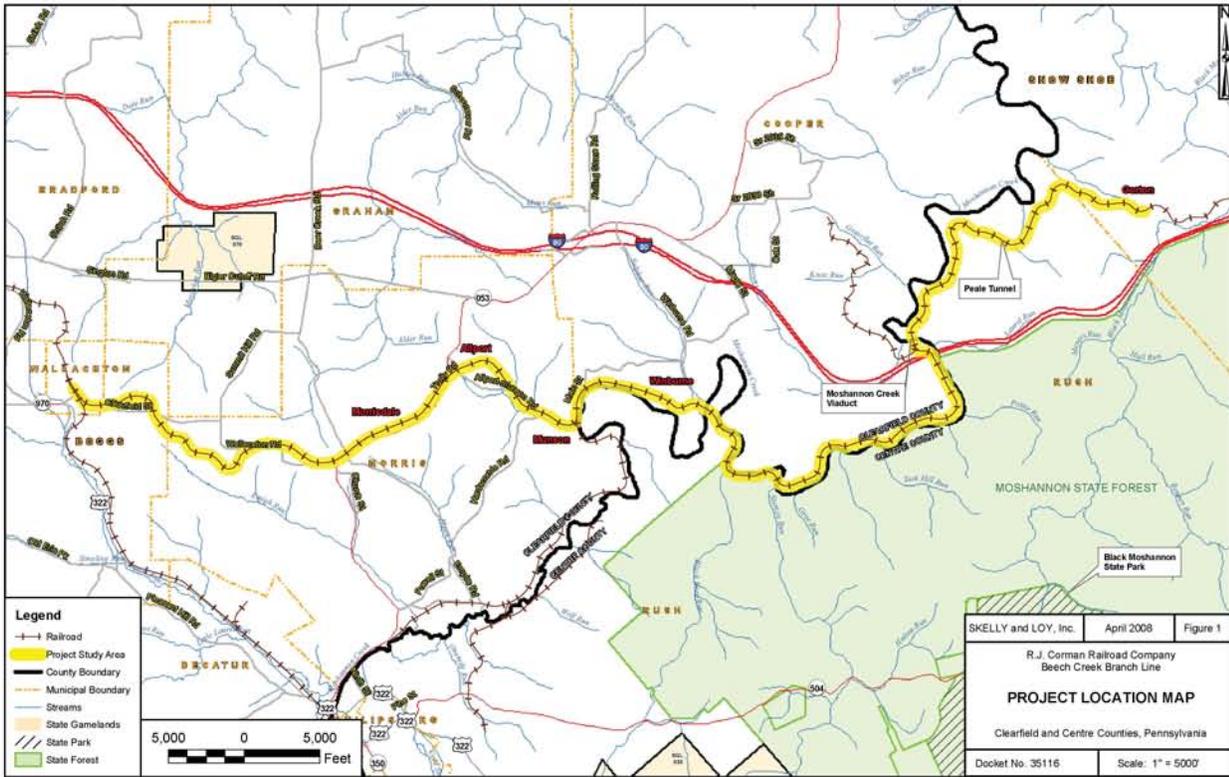
***Prunus alleghaniensis* (Allegheny Plum)**

Potential habitat was identified in the project right of way, however no individuals of *Prunus alleghaniensis* were found. No impact anticipated to *Prunus alleghaniensis*, pending receipt of botanical survey form and map showing area surveyed for this species.

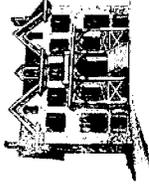
***Polygonum careyi* (Pinkweed)**

A few *Polygonum* species were found associated with wetlands and stream edges, but were not identified to species level. However, *Polygonum careyi* is a FACW species, and may potentially be in this type of habitat. Please confirm the identity of the *Polygonum* specimens to the species level. Please include botanical field survey forms, maps showing areas surveyed for this species and photos of diagnostic characteristics.

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EE-16401



CENTRE COUNTY HISTORICAL SOCIETY
CENTRE FURNACE MANSION

1001 East College Avenue • State College, Pennsylvania 16801 • 814.234.4779

January 27, 2009

Danielle Gossett
 Surface Transportation Board
 395 F Street, SW
 Washington, D.C. 20423

Attention: Environmental Filing
 STB Finance Docket No. 35116

Dear Danielle Gossett,

The Centre County Historical Society wishes to voice its opposition to the construction, operation and reactivation of approximately twenty miles of the former Beech Creek Railroad line between Wallacetown Junction, Clearfield County and Gorton, Centre County by the R.J. Corman Railroad Company/Pennsylvania Lines to serve a new quarry, landfill, and industrial park being developed by Resource Recovery, LLC, near Gorton, Pennsylvania.

Our opposition to this project is based on the potential negative impacts on the rich set of Cultural/Historic Resources in the area.

We believe that this portion of the Beech Creek Railroad District could be considered for National Register eligibility under three criteria: **A** – its impact on settlement patterns and on the area’s economic and social development in the transmission of goods and people; **C** – engineering significance; and **D** – it may be likely to yield information important to pre history and history through archaeology.

Criterion A – its impact on settlement patterns and on the area’s economic and social development in the transmission of goods and people

This portion of the Beech Creek Railroad, built in 1883-84 across the difficult terrain of the Allegheny Plateau in Centre and Clearfield Counties, was part of the New York Central Railroad system and part of a network of railroad lines that extended from Lycoming to Clearfield Counties and beyond. The initial purpose of the parent company was to reach rich bituminous coal deposits being mined in the area and ship them into New York to meet the growing needs for coal within that state. Later, coke ovens were built and coke was shipped, and then another resource, fire clay was mined, and finished fire bricks also were shipped.

The ruggedness of the terrain had served as a discouragement to the area’s early settlement resulting in a very small population, but the railroad provided jobs to thousands of workers, with the mines and related activities providing thousands more. The mining and railroad industries were the source of the region’s lifeblood for decades. In addition to drawing from within Centre and Clearfield Counties and the area’s existing population, construction companies and mine

www.centrecounthistory.org

PNDI 19648 12/02/08

Stellaria borealis (Mountain Starwort)

A few areas of potential habitat were found in project area, however, no Mountain starwort plants were found in any of those areas. No impact anticipated to *Stellaria borealis*, pending receipt of botanical survey form and map showing area surveyed for this species.

Gaultheria hispida (Creeping Snowberry)

A few areas of potential habitat were found in project area, however, no Creeping Snowberry plants were found in any of those areas. No impact anticipated to *Gaultheria hispida*, pending receipt of botanical survey form and map showing area surveyed for this species.

Lonicera villosa (Mountain Fly Honey-suckle)

A few areas of marginal habitat were found in project area, however, no Mountain fly honey-suckle plants were found in any of those areas. No impact anticipated to *Lonicera villosa*, pending receipt of botanical survey form and map showing area surveyed for this species.

Our office will complete the environmental review for this project upon receipt of the requested information.

This response represents the most up-to-date summary of the PNDI data files and is good for one (1) year from the date of this letter. An absence of recorded information does not necessarily imply actual conditions on-site. A field survey of any site may reveal previously unreported populations. Should project plans change or additional information on listed or proposed species become available, this determination may be reconsidered.

This finding applies to impacts to plants, natural communities, terrestrial invertebrates and geologic features only. To complete your review of state and federally-listed species of special concern, please be sure the U.S. Fish and Wildlife Service, the PA Game Commission and the Fish and Boat Commission has been contacted regarding this project either directly or by performing a search with the online PNDI ER Tool found at www.pndi.net/er/erpage.aspx.

Thank you.

Rebecca H. Bowen
 Rebecca H. Bowen, Environmental Review Specialist
 DCNR/BOF/PNDI, PO Box 8552, Harrisburg, PA 17105 - Ph: 717-772-0268 - F: 717-772-0271 - rbowen@state.pa.us

Danielle Coeselin – page 2.

owners brought in a sizeable population of immigrants from Eastern Europe and Sweden to build the railroad network and work in area mines. Passenger service also became part of the railroad's operation, which in turn brought visitors to the area and the establishment of a service industry in nearby communities to meet those visitor needs.

Criterion C: Engineering Significance

Creeks, valleys and fast moving streams divide this region's forested high plateau. Its ruggedness represented a challenge to railroad construction, and overcoming those challenges of difficult terrain represented a significant engineering feat. The Peale Tunnel and the Viaduct and other bridges on this segment of the line offer examples of how the engineering needs of this mountainous region were addressed, as does the way the right-of-way was sliced through the mountains/valleys. Bridges were built and streams crossed, and substantial cut and fill techniques were used.

Peale Tunnel

The P. & T. Collins Company (Phillip and Thomas Collins) was the subcontractor in charge of building the mountainous sections of the Beech Creek Railroad for which the Peale Tunnel was a part. The Collins name is a significant one in 19th century railroad engineering. With father, Peter, they were involved in the building of the Portage Railroad and the construction of the Portage Tunnel at Gallitzin in the 1850s. Following that, they became active in railroad construction, particularly bridges and tunnels, with the N. Y. Central (the predecessor of the BCRK).

The building of the Peale Tunnel in such a remote area by manual labor was a major accomplishment. Work began on the Tunnel's east end heading on June 30, 1883 and the west heading on July 27. The headings met on the night of October 30, 1883. The track was laid in July 1884. The tunnel is 1,277 feet long, its maximum ceiling height is 20 feet at the entrances. The portals are of cut stone, with the cut stone continuing inside along the walls and ceiling for a short distance at each end. The ceiling is partially lined with brick and covered with a concrete cap (which may have been a later addition). The remainder of the ceiling is solid rock. Except for the removal of the track and the possible addition of the concrete cap to the brick ceiling portions, it is likely that the tunnel is essentially as it was when completed in 1884. The Peale Tunnel is one of only four railroad tunnels in Centre County, and is by far the longest of the four. It and the nearby community in Clearfield County were named to honor former State Senator S.R. Peale of Lock Haven, a major promoter of the railroad.

In 2004, over \$500,000 of Federal Surface Transportation Program Enhancement funding was used to repair the tunnel as part of Snow Shoe Rail Trail Association efforts.

Viaduct/Bridges

With the exception of the Peale Tunnel, no other structure along this portion of the Beech Creek Railroad is more impressive than the bridge spanning Moshannon Creek between Centre and Clearfield Counties. Its impressiveness matches the grandeur of the landscape. It is 779 feet long, 119 feet high, with 15 spans supported by eight towers. Construction probably started on the bridge in early 1884, and as it was reported in October of that year, the ironwork was being erected. "The Great Moshannon Viaduct . . . built entirely of iron with the exception of the ties," was opened on November 11. The completion of the bridge permitted track laying to continue, unimpeded, on the Clearfield County side of the Moshannon Creek. Whether or not the Collins Brothers built the original bridge has not been documented, but given the date of construction it is a possibility. However, in 1902-03 a rebuilding program was undertaken. This rebuilding

Danielle Coeselin – page 3

involved replacing the iron spans with steel plate deck-girders fabricated by American Bridge Company. According to American Bridge, the work started on June 1, 1902 and was completed on July 11, 1903. The project involved 13 spans, the longest (the one over the creek itself) being 100 feet long and 10 feet high. The only changes to the rebuilt bridge, other than periodic renewals and the removal of the track rails in 1994, has been the walkway and railing rehabilitation. Until 1984, wooden walkways and railings had been present on both sides of the track. That year the walkways and railings were removed and a steel galvanized walkway and railing were installed but only on the west side of the track.

Other Historic Resources

Smaller stone arched bridges were built to accommodate the railroad line crossings of creeks and runs. All have robust cut stone abutments and winged walls, probably dating back to the railroad line's original construction in 1883-84. Beginning in 1902-1903, all were upgraded, with work completed by 1912. Other than periodic renewals and removal of the rails in 1994, all are essentially unchanged from their early twentieth century upgrades.

Tipples, stone culverts, mile markers and other historic features can be found along this segment of the Beech Creek Railroad.

Town of Peale

Bids for building this town, located along the Clearfield/Centre County line, began in 1883 and by the end of the year 100 houses had been built to accommodate approximately 2000 residents, most of them working in the mines. Peale's passenger station, a two story building, was located on the Centre County side of Moshannon Creek and served as a regular stop for passenger service into the 1920s. Passenger service ended in 1933.

Criterion D: May be likely to yield information important in prehistory or history

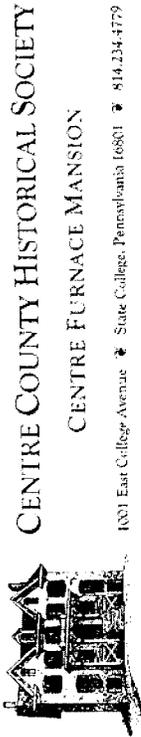
Portions of the town of Peale should be included in an archaeological survey, especially if there is an improvement to the access road, via Peale Road, resulting in the potential disturbance of an area greater than the railroad right-of-way.

Another location for archaeological consideration is at the Gorton end of the BCRK – the width of the railroad right-of-way at this location may be considerably wider than what was originally considered as an area of impact. Although no buildings appear on the 1959 USGS map (which clearly illustrates the siding location), it is highly possible that reuse of the rail line may disrupt a greater footprint than initially implied.

Impacts on Historic and Archaeological Resources

The Peale Tunnel and Viaduct/Bridge, as well as other stone arched bridges along the railroad right-of-way will need to undergo repairs before railroad service can be reactivated. Given their historic importance, supporting documentation from a structural engineer and an historian would be essential to determine what repairs are needed and to assure that any repairs, including those to meet modern-day railroad standards, be made without altering the dimensions and structural appearance of these engineering marvels.

To avoid the potential destruction of archaeological resource information, a Phase I cultural assessment of archaeological sites should be undertaken in the Peale and Gorton areas, and elsewhere as determined.



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Danielle Gosselin - page 4

In addition, there is evidence from prior research that traffic vibration can severely impact the structural integrity of nearby structures, possibly putting other nearby historic industrial features such as a railroad siding at risk in jeopardy.

Cumulative and Indirect Impacts

In addition to potential negative impacts on these historic resources through the actual reactivation of the railroad, the Centre County Historical Society opposes this project because of the way in which these industrial heritage sites will be lost or compromised by the negative impacts of other conflicting uses. We have recommended to the Centre County Planning and Community Development Office that this area and these sites be noted in Centre County's historic preservation plan.

We believe that the project will have major negative impacts on heritage tourism, and particularly impact a state-wide effort to recognize and promote Pennsylvania's industrial heritage across its northern tier by:

- undermining recreational efforts and facilities in the Moshannon State Forest
- undermining the efforts of the Snow Shoe Rail Trail Association's facility owned by the Headwaters Charitable Trust that utilizes a large portion of the identified rail line proposed for reactivation.

And we believe that there are potential threats from future environmentally destructive development that will likely spur from the railroad activity, putting the rich historic resources and the heritage tourism opportunities of the region at irreplaceable risk.

For these reasons, the Centre County Historical Society recommends denial of the R.J. Corman Railroad Co./Pennsylvania Lines request to construct, operate, and reactivate the former Beech Creek Railroad line between Wallaceon Junction, Clearfield County and Gorton, Centre County to serve a new quarry, landfill, and industrial park. This recommendation is in keeping with the Centre County Historical Society's mission statement that includes "to mark and help preserve and protect . . . historical sites and landscapes."

The engineering scale and scope in the building of this part of the Beech Creek Railroad, the vastness and remoteness of the wilderness in which it was built, and the role played by immigrant workers in helping to tame that wilderness offers a remarkable story. The Centre County Historical Society believes that this project is not in the best interests of preserving that story, nor in protecting and sharing this historic landscape and these historic resources with current and future citizens and visitors.

Sincerely,

Jacqueline Melander
 Jacqueline Melander
 President

Enclosure: 1/27/09 Letter and Recommendations to Douglas Dinsmore, Skelly and Loy,
 Related to Pennsylvania Historic Resource Survey Form for Beech Creek Railroad

January 27, 2009

Douglas Dinsmore, Ph.D.
 Cultural Resource Specialist
 Skelly and Loy, Inc.
 2601 North Front Street
 Harrisburg, PA 17110-1185

Dear Doug Dinsmore,

Enclosed is a set of recommendations from the Centre County Historical Society for changes in the Pennsylvania Historic Resource Survey form for the Beech Creek Railroad, submitted by Skelly and Loy October 9, 2008.

- The recommendations focus, for the most part, on four main points
- Expand the district boundaries to include the right-of-way from Jersey Shore, Lycoming County to Mahaffey, Clearfield County
 - Provide more contextual information in the Historical Narrative section on the historic resources
 - Add Criteria D in the Evaluation – Need for an Archaeological Survey
 - Reevaluate the risk of threats to historic resources

Given the significance of the role this railroad played in the development history of this part of Pennsylvania, and given the significance of the historic resources that remain, another approach might be to submit two separate National Register nominations.

Sincerely,

Jacqueline Melander
 President

cc: Danielle Gosselin, Surface Transportation Board
 Douglas C. McLearn, Bureau for Historic Preservation

www.centrecountyhistory.org

PENNSYLVANIA HISTORICAL RESOURCE FORM
BEECH CREEK RAILROAD

Recommended Changes to Submission by
Douglas Dinamore -- Skelly and Loy, Inc.

IDENTIFICATION AND LOCATION

- **Extend Survey District Boundaries – Integrity of Beech Creek Railroad Right-of-way**
Extend Linear Survey District Boundaries of the Beech Creek Railroad right-of-way from Jersey Shore, Lycoming County to Mahafey, Clearfield County

Given that most of the railroad bed remains intact between Jersey Shore, Lycoming County through Centre County to Mahafey, Clearfield County (noted in the Physical Description section), focusing only on a segment of the Beech Creek Railroad bed defined by the proposed use seems arbitrary and misrepresents the importance and integrity of the historical features that are beyond the segment that this survey addresses.

PHYSICAL DESCRIPTION

- **Include the Historic Features along Extended Right-of-Way**
List all of the historic features along the BCCR right-of-way, adding to those you have already listed. For example in Centre County, the Hogback Tunnel, all bridges, including the bridge over PA Railroad's Sugar Camp Branch at Gilkintown (built by the Collins Brothers to span another railroad instead of a stream), ores at Rock Run and Black Moshannon Creeks; stone markers; culverts, etc.
- **Expand on the description of the remains of Clearfield County's town of Peale.**
- **Expand Information on Terrain/Area Land Features**
While the rugged terrain and the engineering achievements of the Allegheny Front when the railroad was built are noted, information about its present day appearance should be included, such as in Centre County: forested wilderness, deep valleys, fast moving streams, Moshannon State Forest and nearby Moshannon Park, etc.
- **Expand/Clarify Statement about Use of Coke**
"The BCCR also carried coke for the construction and repair of the locomotives It also should be noted that coke was used to fire furnaces for the making of steel that was used for construction and repair."
- **Location of Communities**
Since many of the communities referenced are small, be more explicit in locating them: by putting them into a geographic context, i.e., "Groton, Centre County."

HISTORICAL NARRATIVE

- **Provide Historical Narrative with Historic Resources for Extended Railroad Line**
- **Provide Geographic Locations of Communities**

- **Historic Significance of Work Force**
An enlarged work force obviously made the development of this area possible, including the influx of immigrants. Expand upon this part of the story. For example, *The Collins force of 115 Italian laborers building the Bellefonte and Buffalo Run Railroad will soon be transferred to Snow Shoe to work on the railroad there.* Democratic Watchman, April 20, 1883.
And from a contemporary point of view, the influence of immigrants from Eastern Europe still is a factor in Centre County's Mountaintop communities, reflected for example in the churches in the area and their membership.

- **Additional Information on Peale Tunnel**
Correction -- beginning construction date: 1883 (instead of 1833)

More information on the Collins and their significance: With father, Peter, they were involved in the building of the Portage Railroad and the construction of the Portage Tunnel at Gallitzin (certainly a forerunner of Peale). And, following that, they became involved in railroad construction, particularly bridges and tunnels, with the N.Y. Central.

The building of the Peale Tunnel in such a remote area by manual labor was a major accomplishment.

Include a close-up photograph showing the cut stone entrances.

Tunnel and nearby town named to honor former State Senator S.R. Peale of Lock Haven, a major promoter of the railroad.

- **Information on Hogback Tunnel**
Comparison with Peale Tunnel

Built at the same time -- local newspaper references
Large force of men working on the new railroad at Hogback, about 12 miles above Beech Creek
Meanwhile, Tom Collins' gang of men is at work at Harthead's summit near Snow Shoe, where a 40-foot cut is required to run the railroad under the Pennsylvania Railroad's Snow Shoe line
Bellefonte Republican, August 23 & 30, 1882

- **Additional Information on Viaduct Bridge**
Expand upon its significance -- along with the Peale Tunnel, certainly this bridge, spanning Moshannon Creek between Centre and Clinton Counties, represents one of the two most outstanding engineering structures in the Centre County portion of the BCCR right-of-way. The Viaduct's 779 feet in length, 119 feet in height, along with its 15 spans supported by eight towers represents an impressive piece of engineering in this mountainous region.

Given its initial construction date in October, 1884, "The Great Moshannon Viaduct . . . built entirely of iron with the exception of the ties," and opened on November 11, could this also have been a Collins project?

Rebuilding by the American Bridge Co., and completed on July 11, 1903, it involved 15 spans, the longest (the one over the creek itself) was 100 feet long and 19 feet high. The only changes in the periodic tie renewals and the removal of the track rails in 1994, has been the walkway and

THREATS

- **Private Development – #3**
The statement that the Fleech Creek Railroad would be returned to its historic use as a rail carrier without threats to these resources minimizes the potential impact on historic and archaeological resources in several ways.

- **Peale Tunnel – Viaduct Bridge**
How minor would "minor repairs" be in order to reincorporate these historic resources into the railroad's operation?

What impact would modern-day standards have on these historic resources? For example, can the Peale Tunnel and the Viaduct Bridge be raised without altering their dimensions and structural appearance?

Would necessary repairs respect the historic and engineering significance of these two resources? Would, for example, the railroad gauge be the same; would the trains be sized in accordance with the tunnel's width and height; would the weight not exceed what the bridge could handle?

To say that there is no threat to the railroad right-of-way and these associated engineering marvels would require supporting documentation prepared by an accredited structural engineer and historian.

- **Other Historic Resources, Including Town of Peale, Hogback Tunnel, Other Bridges**
Would the relaying of track result in wider clearances in order to accommodate modern day heavy equipment and if so, would this widening impact the close-by archaeological resources?

Would remaining evidence of Peale be impacted?

Other industrial resources that remain along the right-of-way. There is evidence from prior research that traffic vibration can severely impact the structural integrity of nearby buildings. In Centre County, for example, the coal tippie and other nearby industrial sites could be in jeopardy.

- **Potential Threats from Future Development**
The possibility of other activities that will likely spur from railroad activity – what impacts might they have on these historic resources?

Recommendations from:

Jacqueline Melander, President
Centre County Historical Society
1001 East College Avenue
State College, PA 16801
melander@uplink.net

railing rehabilitation. Until 1984, wooden walkways and railings had been present on both sides of the track. That year the walkways and railings were removed and a steel galvanized walkway and railing were installed but only on the west side of the track.

Old photographs suggest that the bridge was an attraction to passenger train tourists and locals.

What comparisons can be made with still existing and no longer standing iron railroad bridges: are there others of this size nearby or elsewhere in PA? How does this Viaduct Bridge compare with the Kinross Viaduct in McKean County, now destroyed, that was built in the same period?

- **More Information about Town of Peale**
How did the town of Peale serve the railroad?

What role did S. R. Peale play in the laying out of the town?

Why was it a Swedish settlement? Were there other communities along the BCRR with immigrants coming from Sweden rather than Eastern Europe?

What buildings were there – flag station, housing, school, etc.? There are maps reflecting the layout of the town, and photographs are available.

What evidence remains that would provide an industrial archaeology perspective and further substantiate Peale's involvement with the railroad? The railroad right-of-way is 200-feet wide at this location and future activity could adversely impact below grade remains.

- **Other Historic Resources**
Bridges, tipples, stone culverts, mile markers have been identified within the segment that this resource survey form addresses, but there are others all along the right-of-way that should be included. In Centre County, for example, in addition to the Hogback Tunnel there are bridges at Rock Run and Black Mashamon Creeks, and the Collins Brothers-designed bridge over the PA Railroad's Sugar Camp Branch at Gillettown.

EVALUATION

- **Criteria List**
Add Criteria D – . . . "may be likely to yield information important to history . . ."
Strongly recommend the need for an archaeological survey as part of the potential National Register listing of the BCRR.

Portions of the town of Peale should be included in a survey, especially if there is an improvement to the access road, via Peale Road, resulting in the potential disturbance of an area greater than the railroad right-of-way.

Another location for possible archaeological consideration is at the Gorton end of the BCRR – the width of the railroad right-of-way at this location may be considerably wider than what was originally considered as an area of impact. Although no buildings appear on the 1959 USGS map (which clearly illustrates the siding location), it is highly possible that reuse of the rail line may disrupt a greater footprint than implied by this historic resource survey material.



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 800-882-6532
 Fax: 717-232-1799

January 26, 2009

Ms. Susan Zacher
 Bureau for Historic Preservation
 Commonwealth Keystone Building, Second Floor
 400 North Street
 Harrisburg, Pennsylvania 17120-0093

Re: ER No. 2008-1481-042
 Beech Creek Railroad Reactivation
 Project, Wallaceton, Boggis, Morris,
 and Cooper Townships, Clearfield
 County, and Rush and Snow Shoe
 Townships, Centre County, Penn-
 sylvania

Dear Ms. Zacher:

Skelly and Loy, Inc. is pleased to provide revised text and additional figures for the Pennsylvania Historic Resource Survey form for the Beech Creek Railroad, Wallaceton to Gorton section, for the referenced project. Please note that only the text of the previous submission has been changed. The remainder of the form remains the same, including the first two figures and the photographs. Six additional figures have been added.

We have addressed the comments as follows:

1. Document the role of the Beech Creek Railroad to the New York Central Railroad as the only provider or only provider of coal for the region.
 Inquiries about New York Central documents did not have any positive answers. Only anecdotal evidence, drawn from interviews in 1984-1985, was available.
2. Assess the integrity of the whole line (only 20 miles of the 100-mile line have been evaluated).
 Aerial photographs were used to evaluate the integrity of the entire line.
3. Provide a context on the structures in the section of the line. How do these tunnels, viaducts and bridges compare to others on the line?
 Additional context has been added to the descriptions.
4. Provide more information on specific engineering features of the tunnel, viaduct, and other structures.
 Additional information has been added to the descriptions.

Office Locations: Pittsburgh, PA Morgantown, WV State College, PA Hagerstown, MD

Ms. Susan Zacher
 Page 2
 January 26, 2009

No archaeological survey is anticipated for this project. The existing rail bed remains intact, except an area of surface mining. The reactivation project will place rails back on the existing rail bed. The bridges remain intact and, according to a recent inspection, are able to carry the anticipated loads with only minor repairs. No construction is anticipated outside of the existing cut and fill of the existing rail bed. Other remains, such as signal tower foundations, siding beds, and tippie remains, lie outside of the anticipated limits of disturbance. As a result, Skelly and Loy does not recommend an archaeological survey. We request your concurrence with our recommendation.

Please contact me at the above number if you have any questions.

Sincerely yours,
 SKELLY and LOY, Inc.

Douglas Dinsmore, Ph.D.
 Cultural Resource Specialist

Enclosure
 cc: Danielle Gosselein, Surface Transportation Board
 Jackie Melander, Centre County Historical Society
 Kevin Starmer
 R08-0101.002
 File: Zacher Letter



Commonwealth of Pennsylvania
 Pennsylvania Historical and Museum Commission
Bureau for Historic Preservation
 Commonwealth Keystone Building, 3rd Floor
 400 North Street
 Harrisburg, PA 17120-0093
 717/767-3166 fax 717/767-3168



February 20, 2009

Dr. Douglas Dinsmore
 Skelly and Loy
 2601 N. Front Street
 Harrisburg, PA 17110-1185

Re: ER 08-1481-042-D & E
 STB: Beech Creek Railroad Reactivation Project, Wallace, Boggs,
 Morris and Cooper Townships, Clearfield County and Rush, Snow Shoe
 Townships, Centre County

Dear Dr. Dinsmore:

The Bureau for Historic Preservation (the State Historic Preservation Office) has reviewed the above named project in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended in 1980 and 1992, and the regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation as revised in 1999 and 2004. These regulations require consideration of the project's potential effect upon both historic and archaeological resources.

The Beech Creek Railroad was evaluated in staff committee on 2/12/09 following the receipt of additional information. Committee was unable to reach a consensus regarding eligibility. The National Register section reviewed the material on 2/17/09.

In the opinion of NR staff the Beech Creek Railroad is significant as the sole carrier of the sole source of coal for the New York Central Railroad (NYC). The railroad was built by the NYC to reach the bituminous coalfields of central Pennsylvania and the Vanderbilts organized the Clearfield Bituminous Coal Company, which owned most of the land along the railroad right-of-way. As a wholly owned subsidiary and only source of fuel for the NYC the Beech Creek Railroad is a contributing line to the National Register-eligible New York Central Railroad.

Existing features of the Beech Creek Railroad line include two tunnels, two viaducts and a number of small bridges, sections of operating line, and sections of rail bed. Other features that should be considered contributing are structures or buildings directly associated with the operation of the line such as stations, or with the transport of coal, such as tipples. In order for sections of the railroad to be considered contributing they must be on their original alignment and be clearly identifiable as a rail bed with grading and elevation.

Secretary
 Pennsylvania Historical & Museum Commission
 100 N. Broad Street, Harrisburg, PA 17120-0093

Page 2
 D. Dinsmore
 Feb. 20, 2009

This evaluation is based on currently available information. If further information regarding the significance of the line suggests that it was not the sole source of coal for the New York Central or indicates that the integrity of the remaining line features is compromised, particularly for the condition of the rail bed, BIP may revise its evaluation of eligibility.

It is our understanding from a recent public meeting held to present this project that a new rail siding and building will be built as part of this project. Since this new construction was not shown or mentioned in your previous submission we cannot concur to project affect at this time. Please submit information concerning all new construction and changes to this National Register eligible resource proposed by this project. This information should include mapping, photos and information on these additional work items.

If you need further information regarding historic structures please consult with Susan Zaehner at (717) 783-9920.

Sincerely,

Audrea L. MacDonald, Chief
 Division of Preservation Services

AM/smz



**Headwaters
Charitable Trust**

Phone: (814) 375-1372 ext. 4
 Fax: (814) 375-2453 (fax)
 info@headwaterspa.org

Main Office
 478 Jefferson Street
 Dubois, Pennsylvania 15801

EI-16387

**Headwaters
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 478 Jefferson Street
 Dubois, Pennsylvania 15801



February 16, 2009

Danielle Gusselton
 Surface Transportation Board
 395 E Street, SW
 Washington, D.C. 20423

RE: Environmental Filing STB Finance Docket No. 35116

As an interested party we are submitting written comments regarding potential socio-economic and recreational impacts associated with the reactivation of the Beech Creek Rail Line as per the Surface Transportation Board's invitation issued in Environmental Filing STB Finance Docket No. 35116.

The Headwaters Charitable Trust is a 501(c)(3) organization that works to improve quality of life through natural resource conservation projects and grants that result in community improvement, rural economic stability and environmental enhancement. The Trust currently holds title to the 9.3-mile section of the Snow Shoe Rail Trail (that includes the Peale Tunnel and Vradnet Bridge) which it leases to the Snow Shoe Rails to Trails Association (SSTRA).

Recreational Impacts

In terms of recreational impacts associated with reactivation of the former Beech Creek Rail Line, most obvious would be the loss of a much-valued regional recreation asset, the Snow Shoe Rails to Trails network.

The Snow Shoe Rails to Trails Association (SSTRA) currently has close to 2400 members from across the Commonwealth that regularly utilize this recreational asset, year round. This trail, which is open to both motorized and non-motorized users, extends approximately 19 miles from the town of Clarence to the town of Winburne. Users include hikers, bikers, all terrain vehicle (ATV) & snowmobile operators, and cross-country skiers. Reactivation of the rail line would essentially eliminate over nine miles within the heart of this multi-use trail.

Not only does reactivation directly impact the Snow Shoe Rail to Trail itself, it would have a regional recreational impact since the Snow Shoe trail provides linkages to a significant amount of additional miles of recreational trails. For example, the trail links to over 23 miles of Township roads that are legally open for ATV use. Also, within the next year or so, the Snow Shoe Rail to Trail will connect via Snow Shoe Township roads

Headwaters Charitable Trust is a 501(c)(3) organization that works to improve quality of life through natural resource conservation projects and grants that result in community improvement, rural economic stability and environmental enhancement. The Trust currently holds title to the 9.3-mile section of the Snow Shoe Rail Trail (that includes the Peale Tunnel and Vradnet Bridge) which it leases to the Snow Shoe Rails to Trails Association (SSTRA).

Monday, February 16, 2009

to the Bloody Skillet ATV Park on the east end of the trail. The Bloody Skillet ATV riding area, located in Centre County, consists of 37 trail miles. This planned extension to the east segment of the Snow Shoe Rail to Trail also provides linkage to another recreational trail, the Allegheny Front Trail, which has an estimated trail length of 40 miles. Plans are also in place to extend the Snow Shoe Rail to Trail west into Philipsburg connecting the new Black Bear Trailhead with a local restaurant, the Casanova Nostalgia.

The majority of SSRTA's membership is ATV enthusiasts, some of which travel great distances to utilize this extensive trail network. Finding locations to legally ride ATV's is a critical issue in PA as identified by the PA Department of Conservation & Natural Resources (DCNR). According to the DCNR study entitled "Pennsylvania's ATV Riders and their Needs", all terrain vehicle (ATV) riding in Pennsylvania is a fast growing activity. Much of the riding is taking place on private land, but the availability of that land is declining. Problems with the availability and accessibility of trails and riding opportunities were of primary importance.

Socio-Economic Impacts

A significant investment of federal, state, and local dollars and resources would be lost if the line was reactivated. Over \$1 million has been invested in the development of the Snow Shoe Rail to Trail. See attached documentation.

In terms of trail replacement costs, we obtained an estimate from our engineer of \$200,000 per mile for new trail, \$2-2.5 million for construction of a bridge to cross the Moshannon Creek and \$1 million per bridge needed to cross Black Bear Run and Six Mile Run. This does not include the cost of design and permitting, which could be quite costly due to the amount of stream crossings and associated wetlands. As the numbers reveal, it would be significantly more costly to replace this recreational asset.

Another significant economic impact would be to the local communities and their businesses that rely on these trail users for generating income. New businesses have been created due to the popularity of this trail system. According to the 2004 DCNR study mentioned earlier, ATV riders spend a sizable amount of money pursuing their sport with a typical ATV trip within Pennsylvania involving over \$200 of expenditures. Such trail users require maintenance and repair services for their equipment, supplies, fuel, food, and lodging.

A local economic impact evaluation of the Snow Shoe Rail to Trail was prepared back in 2004 and most recently was updated to reflect 2008 dollars. According to the addendum, it is projected that the impact of over 2,350 motorized users on the Snow Shoe Rail to Trail equates to over \$8 million in annual expenditures. See attached documentation.

Headwaters Charitable Trust is a 501(c)(3) organization that works to improve quality of life through natural resource conservation projects and grants that result in community improvement, rural economic stability and environmental enhancement. The Trust currently holds title to the 9.3-mile section of the Snow Shoe Rail Trail (that includes the Peale Tunnel and Vradnet Bridge) which it leases to the Snow Shoe Rails to Trails Association (SSTRA).

Monday, February 16, 2009

SNOW SHOE TRAIL

ADDED EXPENSES

NOVEMBER 2004 THROUGH SEPTEMBER 30, 2008

9.3 MILES

PUBLIC GRANT OBLIGATIONS REMAINED THE SAME

PRIVATE ENDEAVORS - IN-KIND

GILLETOWN TRAILHEAD IN-KIND STAFF HOURS \$ 1,184.12 \$ -

MANAGEMENT -- DEVELOPMENT -- OVERHEAD

LIABILITY INSURANCE COSTS \$ 3,549.00 \$ 1,699.97

AUDIT AND 990 PREPARATION COSTS \$ 980.00 \$ 469.42

LEGAL FEES AND MILEAGE \$ 6,405.50 \$ 6,405.50

STAFF HOURS NOT REIMBURSED ON GRANTS OR USED AS IN-KIND \$ 8,008.06 \$ 8,008.06

TOTAL ADDED EXPENSES \$ 20,126.68 \$ 16,582.95

TOTAL EXPENDITURES AS OF NOVEMBER 2004 BEFORE LETTER OF UNDERSTANDING \$ 1,002,722.51 \$ 687,904.81

TOTAL EXPENDITURES AS OF SEPTEMBER 30, 2008 \$ 1,022,849.19 \$ 704,487.76

Headwaters Charitable Trust

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Main Office
 478 Jefferson Street
 Dubois, Pennsylvania 15801



As the trail expands and membership continues to increase this economic impact will also continue to grow. In a rural area where manufacturing and other traditional forms of economic growth are insignificant or non-existent, tourism is crucial to growing new economies for our rural communities.

In closing, we ask that the Surface Transportation Board thoroughly evaluate the economic and recreational impacts that we have outlined above before formulating any decisions regarding reactivation of the Beech Creek Rail Line. We request that any action to reactivate the rail system require that the party petitioning for reactivation be required to construct an alternate trail system connecting the otherwise severed sections of the trail, or that the petitioning party provide Headwaters Charitable Trust with sufficient funds to replace the 9.3 mile trail system in addition to supplying funds to reimburse DCNR and Headwaters Charitable Trust for grant monies and other costs incurred in development of the 9.3 mile trail section.

Sincerely,

 J. Alan Stewart, Chairman
 Headwaters Charitable Trust

This document is a public document. The information contained herein is the property of the Pennsylvania Department of Transportation. A copy of the original document and its contents may be obtained by the public for a fee of \$10.00 per page. Payment should be made to the Department of Transportation, Bureau of Planning and Information Systems, Harrisburg, PA 17120.

PRIVATE ENDEAVORS

		IN-KIND		9.3 miles	
PURCHASE FROM CONRAIL REAL ESTATE DEPARTMENT				\$	2,396.90
ASSOCIATED COSTS/DEED RECORDING ETC.				\$	78.85
STAFF IN-KIND			9.3 miles	\$	19,838.64
Snow Shoe Feasibility Study	\$ 5,000.00		\$ 865.00	\$	6,215.51
Snow Shoe Design Safety Repairs	\$ 1,701.40		\$ 1,164.15		
Snow Shoe Small Bridge Repairs	\$10,465.90		\$ 4,185.36		
Gillentown Trail Head	\$ 2,671.34		\$ -		
HISTORICAL REVIEW				\$	5,500.00
OTHER IN-KIND				\$	38,756.43
Snow Shoe Small Bridge Repair				\$	9,534.00
Snow Shoe Rails to Trails Group					
Quehanna Boot Camp					
TOTAL PRIVATE ENDEAVORS				\$	69,259.57
IN-KIND				\$	23,725.26

SNOW SHOE

PUBLIC GRANT OBLIGATIONS
9.3 MILES OF TRAIL

Updated to September 30, 2008

GRANTOR	PROJECT TITLE	GRANT PERIOD	GRANT AWARD	9.3 MILES
DCNR	RAILS TO TRAILS FEASIBILITY STUDY	07-01-1995 TO 12-31-2000	\$ 15,000.00	\$ 2,595.00
EPA	ALLIANCE FOR CHESAPEAKE BAY	05-11-1998 TO 06-30-1999	\$ 10,000.00	\$ 1,730.00
DCNR	SNOW SHOE DESIGN SAFETY REPAIRS	06-04-1999 TO 12-31-2003	\$ 95,800.00	\$ 65,548.00
PDOT	SNOW SHOE CONSTRUCTION SAFETY REPAIRS	02-10-2000 TO 02-10-2005	\$ 555,195.00	\$ 555,195.00
USDA FORESTRY	SNOW SHOE ATV TRAIL	09-30-2001 TO 09-30-2005	\$ 30,000.00	\$ -
DCNR	SNOW SHOE TRAIL DEVELOPMENT REPAIRS TO SMALL BRIDGES	05-01-2002 TO 12-31-2005	\$ 105,000.00	\$ 28,452.76
DCNR	GILLETOWN TRAIL HEAD	01-01-2006 TO 12-31-2009	\$ 100,000.00	\$ -
TOTAL GRANTS			\$ 910,995.00	\$ 653,520.76

TOTAL EXPENDITURES

		9.3 Miles
SNOW SHOE PUBLIC GRANT OBLIGATIONS	\$ 910,995.00	\$ 653,520.76
PRIVATE ENDEAVORS----IN-KIND	\$ 69,259.57	\$ 23,725.26
MANAGEMENT, DEVELOPMENT AND OVERHEAD	\$ 42,594.62	\$ 27,241.74
GRAND TOTAL	\$ 1,022,849.19	\$ 704,487.76

Updated to September 30, 2008

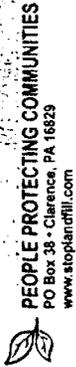
For Verification or Clarification

on these figures, please contact

Pamela Vota
814-375-1372 ext. 4

MANAGEMENT--DEVELOPMENT--OVERHEAD

		9.3 Miles
LIABILITY INSURANCE	\$ 9,755.68	\$ 4,672.97
NOVEMBER 1995 THROUGH SEPTEMBER 2008		
AUDIT COSTS AND 990 PREPARATION	\$ 2,630.00	\$ 1,259.77
1995 THROUGH 2007		
GILLETOWN SURVEY	\$ 4,692.84	\$ -
VOLUNTEER INSURANCE, LEGAL FEES AND MILEAGE	\$ 2,213.79	\$ 1,942.47
1995 THROUGH MARCH 25, 2005		
LEGAL FEES	\$ 5,135.44	\$ 5,135.44
MARCH 26, 2005 THROUGH AUGUST 31, 2008		
STAFF HOURS NOT REIMBURSED ON GRANTS OR USED AS IN-KIND THROUGH MARCH 25, 2005	\$ 14,471.19	\$ 10,535.41
MARCH 25, 2005 THROUGH SEPTEMBER 30, 2008	\$ 3,695.68	\$ 3,695.68
TOTAL MANAGEMENT, DEVELOPMENT & OVERHEAD	\$ 42,594.62	\$ 27,241.74



February 23, 2009

Danielle Gosselin
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Attention: Environmental Filing STB Finance Docket No. 35116

Dear Ms. Gosselin:

We appreciate the opportunity to participate in the Environmental Impact Statement (EIS) scoping process for STB Finance Docket No. 35116. People Protecting Communities (PPC) has been involved with the proposed development of the landfill, the railroad and the other activities supporting the landfill, and all its variations since March 2004. Most recently, in June 2008 we filed a Petition to Hold Proceedings in Abeyance with regards to certain actions requested by R. J. Corman Railroad Company/Pennsylvania Lines Inc. (RJRP) pending the completion of an environmental review to be performed pursuant to the National Environmental Policy Act (NEPA).

The Draft Scope of Study for the EIS proposes to treat the construction and operation of the proposed rail line (construction and operation of an abandoned 10.8 mile rail line between Wallaceton Junction and Winburne and the reactivation of track on the connecting 9.3 miles of currently rail banked line between Winburne and Gorton) as a single action rather than as an integral and connected portion of the larger landfill project. The proposed action for the Draft Scope of Study for the EIS should be a connected action that includes not only the proposed rail line but also the landfill; it will serve and other facilities incidental to the landfill, viz. industrial park, and recent quarry, as required by 40 C.F.R. § 1508.25 (a).

Please note the comments contained within this document will not be PPC's only submission with regards to the review of Finance Docket No. 35116 et al. PPC reserves the right to submit further public comment, testimony, criticisms, responses, make requests, initiate actions, and otherwise participate in this review process.

Sincerely,

JoAnn Gillette, Coordinator
Review Committee
People Protecting Communities
PO Box 38
Clarence, PA 16829
joann.gillette@yahoo.com
(814) 387-6537

THE TRUST RECENTLY SUBMITTED THREE GRANT APPLICATIONS FOR THIS AREA.

PA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES	VIADUCT SAFETY CONCERNS	\$	109,402.00
PA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES	MANAGEMENT PLAN TRUST PROPERTY ADJACENT TO THE RAIL TRAIL	\$	109,800.00
CENTRE COUNTY COMMUNITY FOUNDATION	VIADUCT BRIDGE INSPECTION	\$	8,000.00 **
		\$	227,202.00

**THIS GRANT WAS TENTATIVELY APPROVED FOR \$2,000

I. The Proposed Action for the Draft Scope of Study for the EIS Is Inadequate

The scope of the environmental impact statement should encompass the entire project of which the proposed reactivation of the proposed Beech Creek rail line (construction and operation of an abandoned 10.8 mile rail line between Wallacetown Junction and Winburne and the reactivation of track on the connecting 9.3 miles of currently rail banked line between Winburne and Gorton) is a part — namely the proposed landfill, industrial park, quarry and rail line — rather than the rail line alone. Limiting the scope of the EIS to the rail line action and treating the landfill and industrial park as cumulative impacts of that action, rather than treating the landfill and industrial park as part of the action being reviewed is inconsistent with 40 C.F.R. § 1508.25.

The Council on Environmental Quality's (CEQ) regulation governing the scope of the action to be addressed in environmental review defines the "action" to be reviewed to include:

(1) Connected actions, which means that they are closely related and therefore should be discussed in the same impact statement. Actions are connected if they:

(ii) Cannot or will not proceed unless other actions are taken previously or simultaneously.

(iii) Are interdependent parts of a larger action and depend on the larger action for their justification.

In the present case the proposed rail line both (1) is an interdependent part of the larger action including the proposed landfill and depends upon the landfill for its justification and (2) cannot and will not proceed unless the landfill is permitted, built and brought into operation. Accordingly, the scope of the EIS should encompass (1) the rail line, (2) the landfill, (3) the industrial park, and (4) the quarry.

To isolate the rail line from the larger landfill project is inconsistent with the prior consistent statements of the project developers and economic reality. In fact, the only driver behind the request for construction and operation of the former Beech Creek line to Gorton, Pennsylvania (PA) is the developments being proposed by Resource Recovery, LLC (RRLC)—primarily a landfill and future industrial park. The rail line has been treated as an incidental part of the larger landfill project since the concept presentation by RRLC to Snow Shoe Township April 2004 (Exhibit 1) and the Host Municipality Agreement between RRLC and Rush Township May 2004 (Exhibit 2). The proposed rail line, landfill, and industrial park are all interdependent and "links of a single chain."

Moreover, the rail line is not commercially feasible without the landfill. There presently is no customer that would be served by the construction and operation of this line of a size that could support the line commercially. The only official permitted industrial activity in the area to be served by the line is a small, non-coal surface mine limited to a total annual production of 10,000 tons of stone, less than two truckloads per week day. (Exhibit 3) This is not enough to require rail service for transport. Moreover, a quarry of the type proposed will produce materials used in building and road construction locally; it is not economic to transport this type of material over the distances that would require or support rail service. Given the quarry's permitted production,

the petitioner would run 1 unit train (100 cars—100 tons per car), which would have a breakeven hauling cost of approximately \$160/ton to use the 20 mile track, which exceeds, by about an order of magnitude, the market price for the sand and gravel that the quarry will produce. (Exhibit 4)

The quarry is primarily intended to provide material for construction and operation of the landfill and may never have customers that would require use of the rail line. In fact, in its original petition (May 20th—original petition, FD No. 35116, doc #222416) the petitioner stated, "It is anticipated that RJCP will haul unit trains [note plural trains] of sand, stone, and perhaps coal" outbound from the quarry within the Gorton development to Keating, and will haul unit trains of municipal solid waste and/or construction and demolition debris inbound from the Keating interchange to the landfill portion of the development." The petitioner thus expected to receive income from hauling materials in and out of the landfill.

Thus, both the need and economic viability of the proposed rail line will be entirely dependent upon the permitting, construction and operation of the proposed RRLC landfill (a larger action). The rail line and proposed landfill are connected actions under 40 CFR §1508.25(a); therefore the proposed action for the Draft Scope of Study for the EIS should be a connected action to include the proposed rail line, landfill, industrial park, and recent quarry. This Draft Scope of Study for the EIS must evaluate the cumulative impacts of the proposed rail line, landfill, quarry, and industrial park on environmental resources, aesthetics, and environmentally sensitive areas (e.g., residences; seasonal properties; schools; nursing homes; parks; recreation areas; sensitive wildlife habitat; waters of the Commonwealth; wetlands, both jurisdictional and nonjurisdictional; cultural and historic resources; etc.) that will be affected by this action.

II. The Alternatives as Proposed by the STB Draft Scope of Study for the EIS Are Inadequate

Because the proposed scoping document unduly limits the action considered to the rail line rather than the entire project of which the rail line is a part, the alternatives selected for analysis do not represent the full range of alternatives that should be considered. Analysis of alternatives "is the heart of the environmental impact statement." 40 C.F.R. §1502.14. Accordingly, CEQ regulations require that agencies "rigorously explore and objectively evaluate all reasonable alternatives." 40 C.F.R. §1502.14(a). The proposed set of alternatives presented by the STB in the Draft Scope of Study for the EIS does not meet this standard.

Most notably, because the STB has improperly limited the scope of the action being considered, the agency does not consider the alternative actually being proposed: construction of the landfill, industrial park, quarry, and rail line. This analysis is critical and should be conducted as the primary alternative.

A second alternative that should be considered is location of the landfill closer to the solid waste to be disposed in the landfill. In order to properly scope alternatives, the source of garbage for the proposed primary shipper (i.e., the landfill) must be clearly identified. To date, and confirmed through conversations with STB representatives at the February 10, 2009 Scoping Meeting in Philipsburg, PA, the petitioners expect these sources to be primarily from New York and New Jersey. The scoping process as presented by the STB, to date, is prejudiced by the site-

¹ There is no permitted coal mining operation that could be served by the train.

- habitat created based on acreage consumed and compare interior forest acreage before (unfragmented) and after (fragmented).
- Provide a complete project scope at full build-out for the proposed rail line, landfill, quarry, and industrial park. Other claims by RRLJC since 2004 include an ethanol plant, bio-diesel plant, wastewater treatment plant, landfill expansion, and an I-80 interchange. A full environmental study of the entire 5,800-acre parcel and a "single and complete project" have been requested since pre-application meetings.

With plans for a future industrial park, rail spur, landfill expansion, and a possible highway interchange, all resources existing on the entire 6,000-acre tract should be identified to allow a complete evaluation of site plan configurations that could minimize environmental impacts. Consistent with the Department and Corps of Engineers regulations, the various development phases of this project should be presented as a single and complete project for agency review. (file review, USEWS letter, November 5, 2005)

3. Energy Resources

- Identify the source of the waste that will be transported by rail to the proposed RRLJC landfill and identify all alternative destinations — by both road and rail — closer to the source of waste. Analyze the fuel savings over the long-term life of the landfill (about 28 years) on long-haul transport by truck or rail by disposing of waste closer to the source (NY/NJ).
- Identify the materials the trains will be backhauling and their destination.
- Identify and quantify the additional energy required to haul 55 full carloads upgrade and under load to the proposed site (engines under load and going uphill use more fuel). Compare these figures to energy use to transport to alternative destinations closer to the source of the waste by both road and rail.
- Produce a cost comparison between the proposed rail reactivation for hauling of the proposed goods which are currently 10,000 tons per year of sand and gravel as opposed to road transport of this same quantity of material. Evaluate with respect to energy consumption for both options as well as actual total cash outlay for each.

4. Air Quality

- Centre County is classified as a maintenance area under the Clean Air Act. Identify the total effect on this designation due to the increase in truck and rail traffic both during construction and operation of the proposed rail line, landfill, quarry, and industrial park. Include the air quality impacts of emissions from the proposed landfill, quarry, and industrial park.
- Quantify ground-level ozone production from NOx emissions from engines under full load and strain running uphill to the site and VOCs outgassing from the landfill. Provide a "worst case" scenario of ground level ozone production based on these figures.
- Calculate both PM <10 and PM <2.5 microns that will be produced under load by the proposed 55-car trains upgradient to the proposed destination.

- Is this rail line consistent with local and regional transportation planning goals within the entire project area to include both Clearfield and Centre Counties?
- Assess how and where garbage transported by the RJCP lines will be offloaded, and what structures and equipment will be required to do so.

2. Land Use

- Identify and assess existing land uses and the culture they support that will be negatively and irreversibly impacted by the proposed rail line, landfill, quarry, and industrial park, including but not limited to the following:

- Fishing and hunting 100+ years
- Black Moshannon Creek (HQ-CWF, wild trout population; paddling)
- Leased cabins 50+ years
- RedMo Down River Race 40+ years
- Snow Shoe Wild Life Preserve seasonal subdivision 20+ years
- Snow Shoe Rail Trail 12+ years
- Allegheny Front Trail 12+ years
- Moshannon Forest 1 and 11 seasonal subdivisions 10+ years
- 3-D Archery Range 5+ years
- Designated Important Bird Areas
- Designated Landscape Conversation Areas
- Moshannon State Forest, Black Moshannon State Park, and other public lands
- Elk Scenic Drive
- Gateway to the PA Wilds designated tourist development area

- Assess the proposed industrial development's consistency with the Centre County Comprehensive Plan and forest/open space zoning in neighboring Snow Shoe Township.
- The area targeted for industrial development to be served by the Beech Creek line is isolated, forest/open space wilderness. Assess the impact losing this open space to industrial development will have on waterways and wildlife habitat. Assess the impact to businesses and contractors that serve the existing outdoor recreation-based economy as aesthetics are degraded and seasonal properties or their potential development are devalued by the proposal.
- Industrial development in this primitive, isolated region will promote sprawl in an area that has no plan in place for this type of growth. The historic use has primarily been forest/open space and outdoor recreation and is considered by many to be the Gateway to the PA Wilds, a state tourism initiative that focuses on the wilderness-based outdoor recreation experiences, and cultural and historic exploration opportunities within northcentral PA. Consider the impact and disruption a large industrialized tract will have on the PA Wilds Tourism initiative.
- The proposed rail line, landfill, quarry, industrial park site lacks public sewer, water, electricity, and a navigable, public road for industrial uses. Calculate the acreage consumed — include right-of-way, utilities, on-site access and support facilities — including any clearing or widening to construct/reactivate the rail line. Calculate edge

- Identify and quantify noise impacts on sensitive wildlife including the range of impact surrounding the project area to include the proposed rail line, landfill, quarry, and industrial park that could result in reduced ability to mate, reproduce, forage, and nest (for both the rail line and the proposed landfill, quarry, and industrial park). Calculate decibels at one-half, one, two, and three miles distance.
- Quantify vibration effects from passing trains on all sensitive receptors, including wildlife.
- Calculate how long and how loud crossing signals will run while a fully loaded 55-car train crawls upgrade to the proposed landfill, quarry, and industrial park site.
- Calculate the construction and operational noise impacts on recreation per the recreation opportunity spectrum (ROS). Quantify the baseline (existing conditions) and calculate the noise impacts on existing primitive, semi-primitive nonmotorized, semi-primitive motorized, and needed natural settings along the proposed rail line and for the proposed landfill, quarry, and industrial park. Use comparison maps and transparencies for clarity of presentation.
- Consider the noise contribution from the proposed rail line, landfill, quarry, and industrial park that will mask or overwhelm the serene, peaceful experience that currently exists throughout most of this area. Noise from trains, heavy construction and heavy landfill equipment is inconsistent with the wilderness experience that is currently enjoyed and promised by the Pennsylvania Wilds.

6. Biological Resources

- Natural and biological resources have been a key feature of this area for well over a century, as evidenced by the surrounding seasonal properties and recreation attractions. Visitors frequent local independent small businesses. Quantify the loss of these features and their affect on visitation to the region. Further quantify this loss on local independent businesses and contractors who provide services for these visitors and seasonal property owners.
- The proposed rail line, landfill, quarry and industrial park site and surrounding areas provide potential habitat to the following threatened, endangered, protected, or candidate species under either federal or state law: Bald Eagle, Indiana Bat, Northeastern Bulrush, Small-whorled Pogonia, Allegheny Woodrat, Timber Rattlesnake, Branching Bur-reed, Allegheny Plum, Pinkweed, Mountain Starwort, Creeping Snowberry, and Mountain Fly Honey-suckle. Quantify the impacts on these species and their potential habitat. The absence of evidence is not the same as evidence of absence of a species — especially due to the regional impact of the proposed rail line, quarry, landfill and industrial park.
- Effective January 1, 2007, 31 species of amphibians and reptiles native to Pennsylvania appear on the Pennsylvania Fish and Boat Commission's (PAFBC) protection list due to declining numbers. Wetlands, within the entire proposed project area to include the proposed rail line, landfill, quarry, and industrial park, must be surveyed for each.

- Calculate emissions from idling time while switching or delivering loads.
- Calculate the effects of air emissions on downwind communities. Include concentrations produced by inversion effects in neighboring valleys.
- Describe the air quality monitoring plan during construction.
- Quantify a complete scope of air emissions from hauling 55 carloads upgrade and under load to the proposed project site.
- Compare the above calculations to calculations for alternative destinations closer to the source of waste.
- Analyze the air emissions savings, including CO₂, over the long-term life of the landfill (estimated as 28 years) on long-haul transport by truck or rail by disposing of waste closer to the source.
- Quantify intensity of foul odors and their root sources that will be emitted from the proposed garbage train at 30, 50 70 and 90 degree air temperatures from both the rail line and landfill.
- Quantify the affect of hovering odors, hauled in by rail and collected at the landfill, from inversion effects on the Moshannon Creek gorge (listed as a Pennsylvania water trail).
- Expand the scope of the EIS to include dust from landfill construction operations and the foreseeable increase in truck traffic based on presented alternatives. Dust from leachate exposed garbage is both a nuisance and a health hazard to communities.
- The dominant greenhouse gases emitted over the projected life of the landfill (28 years) most likely will be methane and CO₂ from the landfill. CO₂ generated by waste transport, and emissions from heating and biofuel production in the industrial park. Most of these sources will be too diffuse to control effectively onsite. Important control options that need to be assessed are distance from trash and biofuel feedstock sources, what industries will be chosen or allowed, and the export distance for generated wastes not permitted in the landfill. Greenhouse gas production here should be compared to optional waste disposal methods (e.g., incineration, recycling) and optional facilities much closer to waste sources, feedstock sources, and customers.
- It is particularly important to prevent further degradation of air quality in this area, which is designated as part of the Pennsylvania Wilds. For state law purposes, this area should be given the same protection as federal wilderness and National Park areas. At a minimum, a study should be prepared demonstrating baseline air quality in order to obtain 100% offsets for any increases of air pollution.

5. Noise

- Identify sensitive receptors (e.g., residences, recreational properties, businesses, historic structures, schools, parks) in the project area to include the proposed rail line, landfill, quarry, and industrial park and quantify the noise increase for these receptors during construction and operation. Quantify noise impacts in decibels at one-half, one, two, and three air miles distance.

- The proposed RRRLC landfill itself will destroy almost 11 acres of wetlands and wetlands located in the area of the proposed industrial park may be considered Exceptional Value Wetlands. Identify and categorize all wetlands that will be affected by the proposed rail line, landfill, quarry, and industrial park.
- Identify how construction and operational damage from heavy equipment to water and sewer lines will be remediated.
- Assess emergency preparedness including emergency responders with estimated response times in the event of a spill.
- Quantify the probabilities of discharges into local streams and groundwater, including but not limited to leachate, silt from erosion, acid mine drainage from earthmoving/mining, and miscellaneous rail cargo in the event of an accident.
- Quantify the impacts of above-mentioned discharges into streams and groundwater in the short-, medium- and long-term, including loss of wildlife, biotica, macroinvertebrates and botanicals that support sport fish.
- Calculate psychological impacts (i.e., perceived health risks) and resulting economic losses from avoidance of waters due to the proposed treated leachate discharge into the Moshannon Creek from the proposed landfill. Note: Canoeing/kayaking, wading, and swimming are water contact sports.
- Include probability of untreated leakage, litter, and other substances from the proposed rail service entering the Moshannon Creek watershed (this is a designated water trail).

8. Socioeconomics

- Clearly identify the source of the garbage and other goods to be transported by rail to and from the proposed landfill, quarry, and industrial park site in order for an accurate assessment of socioeconomic impacts along the haul route to be adequately and properly evaluated per NEPA regulations.
- A single and complete project must be presented by the developers or else a "worst-case scenario" must be applied to foreseeable socioeconomic impacts. 40 C.F.R. §1502.22(b)(2)
- Quantify the economic loss to outdoor recreation based businesses due to the impacts of industrialization of this wild area as a result of the proposed rail line, landfill, quarry, and industrial park. Examine the psychological impacts of these losses on independent contractors and small proprietors, citizens and visitors in the region.
- Calculate the cumulative impact of the devaluation of wilderness-based seasonal recreation properties and residences along the proposed rail, alternative haul routes, and proposed landfill, quarry, and industrial park corridor. Include the tax-base contributions based on their current values and compare the devaluation and its impacts on local school districts.
- Compare and contrast the tax-base contributions of wilderness-based seasonal properties and residences along the proposed rail, alternative haul routes, and proposed landfill/industrial park corridor based on their current values versus all of these being

- Quantify wildlife mortality from incidental impacts due to rail service; foreseeable additional road traffic from the proposed landfill, quarry, and industrial park, and from construction.
- Quantify the loss of mature contiguous interior forest for (a) its rare presence east of the Mississippi, (b) its carbon sequestering value (pivotal with global warming), (c) its value to wildlife that depends on it for foraging, breeding, and habitat. Loss of contiguous interior forest and increasing edge habitat has been shown to open up interior forest species to predation. Determine effects on mating habits, reproduction and survival rates of native wildlife and interior forest species.
- Quantify total impacts of forest fragmentation on neighboring habitat. Loss of habitat leads to displacement of species capable of successfully migrating. Other species, less able to migrate such as amphibians and reptiles, will perish or suffer due to the inability to migrate. Include displacement impacts on surrounding areas.
- Quantify the impacts (noise, air quality, odor, litter, loss of habitat, wildlife displacement and mortality) on the State Forest, Important Bird Areas (IBAs), and State Game lands of the proposed rail service, landfill, quarry, and industrial park.
- Quantify the loss of wildlife diversity, plant diversity, stream quality, air quality, viewsheds, sense of remoteness and aesthetics, both economically and psychologically, based on the proposed rail service, landfill, quarry, and industrial park and the foreseeable additional road traffic to service these projects.
- Quantify the effects on local wildlife of introducing "stowaway" vermin into this wild area through garbage transfer.
- Quantify quality of life losses to residents within a 5, 10, and 20-mile air radius.

7. Water Resources

- Surface and groundwater in hill land-mountain terrains are highly interdependent and interactive, transferring from one to the other often in mass over short time periods. This has major source area, flow rate, water yield, and water quality implications.
- The train-hauled contents will primarily be municipal wastes, but also include corn, soybeans and liquids produced by biofuels manufacture in their industrial park. These liquids include ethanol, biodiesel fuel, other chemicals, and a biologic slurry (stillier's grain). This rail line follows water courses (critical runoff and discharge zones) and ridge tops and sides (critical recharge zones for groundwater and springs). The risk of spills and their impacts need to be assessed in these contexts.
- Identify and quantify municipal water supplies within the project area to include both the rail line and proposed industrial development and quantify potential impacts to both during construction and operation.
- Identify and assess the impacts of the landfill, quarry, and industrial park activities on the quantity and quality of the flow waters both locally and downstream in these hill land-mountain terrain systems.

programs, and potentially cause increased costs for implementing our waste management program in other parts of Centre County." The current system in which 90% of the municipal waste collected in Centre County goes to the CCSWA Transfer Station is crucial to the economy and efficiency of their operation. Competition from an additional site will dilute the importance of this centralized facility and inevitably be economically harmful to the Authority.

9. Recreation

- Litter, a common impact of trash hauling and landfills, is also a serious negative affect on primitive, semiprimitive, and rural natural outdoor experiences; it also degrades quality of life for communities. The sense of remoteness, solitude, and naturalness — all highly valued in rural destinations and based on a lack of human evidence, such as signage and litter — will be seriously devalued by litter from the proposed trash hauling and landfill. Quantify the economic and noneconomic (e.g., psychological) impacts for both visitors and residents of litter along all haul routes and generated from the proposed landfill.
- Assess impact of industrial noise, traffic, and light trespass on primitive to semiprimitive wilderness aesthetics and opportunities to enjoy this rural area for its sense of remoteness, naturalness, and solitude. Include the loss of water quality, air quality, viewsheds, primitive to semiprimitive settings, forest, wildlife habitat and diversity.
- Nature-, woodland- and water-based recreation is highly dependent on location and its sense of remoteness, solitude, wildness factors, and wildlife and the visitor's quality of experience. The proposed rail line, landfill, quarry, industrial park site currently falls under the recreation opportunity spectrum classification of primitive to natural roaded due to its ability to provide a sense of remoteness, naturalness, and solitude. Recreation resources that will be lost or degraded by the proposed rail reactivation, landfill and industrial park include:
 - a. Snow Shoe Rail-Trail (general loss of linear park, loss of connectivity, loss of aesthetics, loss of visitor spending);
 - b. Moshannon Creek (water trail, year-round paddling destination, 42+ year old RedMo Downriver Race adjacent to site);
 - c. Black Moshannon Creek (paddling, wild trout population, angling);
 - d. Moshannon State Forest (hiking, biking, hunting, etc.);
 - e. Allegheny Front Trail (loss of viewsheds, peaceful nature retreat);
 - f. Seasonal and vacation properties (devaluation of the nonmonetary recreational value);
 - g. Loss of forest and wildlife habitat (carrying capacity, threatened and endangered species)
 - h. The area is located at the eastern gateway to the PA Wilds. Destinations, such as the Elk Scenic Drive, and promotional efforts and local income under every category -- WildsDarkSkies, WildsLife, WildsWater, WildsWoods, WildsWays 1 and 2 -- will be undermined and affected

taken out of this corridor and the replacement revenue coming from only the tax base that rail reactivation will create. Since people will not want to own and utilize recreational properties along a garbage train/landfill corridor, an accurate analysis would reflect the removal of these revenues completely. Provide a full array of current taxes versus future taxes paid to all school districts, municipalities, counties and states impacted.

- Despite the massive amount of infrastructure construction and other expensive improvements required to service the proposed landfill including the rail line, the long-term job creation potential is very low — about 15 jobs as shown by a currently operating landfill in a nearby county. Compare this number with the businesses and employees lost when the area becomes less attractive for outdoor recreation.
- Calculate and quantify long-term health impacts on workers and residents and the costs they will incur to treat both short-term and long-term impacts of exposure to the waste being hauled along the proposed rail line and disposed of at the proposed landfill. Include the costs that will be covered by publicly funded health care coverage such as Medicare, etc. in addition to the costs that would be paid for by the individuals. Based on socioeconomic data for all of the areas involved, illustrate how the average resident living in this corridor will be able to incorporate these costs into their budgets without a decrease in their standard of living.
- Quantify the economic, social and cultural losses to the Snow Shoe Rail Trail organization, members, activities, sponsored functions and their now devalued investments and trail upgrades that were funded by federal and state government agencies and private sector grants.
- Quantify outdoor recreation tourism impacts using spending patterns per activity, user days per year, real estate investments (i.e., seasonal properties) and contributions to the local tax base, hard equipment purchases (i.e., ATVs, bikes), soft equipment purchases (i.e., hiking shoes), rentals, food and services. Primary activities in this primitive to semi-primitive recreation opportunity region include the Snow Shoe Rail Trail, hunting, fishing, archery shoots, camping, hiking, biking, horseback riding, snowmobiling, paddling, outdoor recreation related events, wildlife-related recreation, birding, nature photography, and others.
- Quantify devaluation of residential property values for all homes along the rail right-of-way based on current appraised values versus values following rail reactivation based on empirical evidence from similar reactivations and their negative impact on property values. Provide the total market value economic loss not only to properties in the 20-mile rail reactivation area but also in the total and complete haul area from material/garbage origin to the proposed landfill, quarry, industrial park site.
- Quantify the long-term losses to the outdoor recreation economy. This is a sustainable growth industry in the region, and so far, has not been affected by the recession.
- Calculate the loss of income to the Centre County Solid Waste Authority (CCSWA). The proposed RRLLC landfill, if approved, will interfere with Centre County's approved solid waste management plan. The Centre County Solid Waste Authority, the delegated authority to manage the plan for the County, stated in a July 2006, letter to PADEP that: "This Authority believes the proposed [RRLLC] landfill will significantly and adversely affect the economic position of our Authority and will jeopardize existing recycling

11. Geology and Soils

- Identify and assess fragile soils, and the borrow/fill areas used in rail line construction. The most fragile soils in terms of stability and productivity are those on high, unstable slopes and those, whether naturally or due to previous construction activities, that are exceptionally drought prone or infertile. These areas, if subject to any construction activity, need to be identified for special reclamation or are to be avoided.
- Locate and assess fracture traces that underlie draws, swales, gullies and streams. Fracture trace maps need to be developed and analyzed in terms of the connectivity between critical recharge areas and streams, wetlands, ponds, lakes, and wells. Spills or outflows from landfills and industrial parks onto these critical recharge areas can move very rapidly with little dilution, dispersion and adsorption, so that the spill may arrive at the well, or other destination, at unacceptably high concentrations. These critical recharge areas in the rail line, landfill, quarry and industrial park spill zone need to be specifically protected or avoided.
- Identify and assess the hydrologic and water quality impact of sink holes in the vicinity of this proposed rail line, landfill, quarry, and industrial park.
- Identify and assess erosion source and deposition areas during construction and operations.
- Identify and assess undetermined or mine disturbed areas within the entire area.

12. Cultural/Historic Resources

- Evaluate the impact on or loss of the following cultural/historic resources. Each are local attractions and have the potential to showcase local industrial history with proper care and interpretive signage:
 - a. Viaduct Bridge (iron construction 1884, converted to steel structure circa 1915)
 - b. Peale Tunnel (1883-1884)
 - c. Most structures in the project area date back to the late 1800s-early 1900s, including Camp 407 at the intersection of Gorton and Peale Road. It is our understanding that it was the Mine Superintendent's home and office.
 - d. Most of the structures, including foundations, remaining on the parcel and used as camps, were built by the Clearfield Bituminous Coal Company and the original Beech Creek Railroad built by the Vanderbilts in the late 1880s.
 - e. Highlights of industrial archeological sites include Peale #1 Clay Mine, Pump Station, Clay Tipple and coke oven remains in Gorton.
- Outdoor recreation is part of this region's rich history, culture, and economy. Mountaintop families of the early 1900s opened their homes to visiting hunters and fisherman. Locals acted as guides. That extra income helped families put gifts under the Christmas tree for their children. Times change—and so has the Mountaintop—but outdoor recreation still enriches lives, supports livelihoods, and many locals take pride in showing hospitality to visitors. The proposed rail line, landfill, quarry and industrial park will undermine this perpetual,

negatively by the proposed rail line, landfill, quarry and industrial park. You never get a second chance to make a first impression.

10. Environmental Justice

Environmental justice is best served where the population and community have the economic incentives and opportunities to improve themselves, compete, and grow. The communities in this proposed rail line, landfill, quarry, and industrial park area are primarily lower income, less educated, blue-collar workers whose ancestors worked in mines, woods, factories or on farms. Due to the lack of good jobs and growth industries many who choose to stay face a low social-economic opportunity ceiling that is difficult to penetrate. Many of their bright young people move out of the area to make their livelihoods elsewhere. A growing number of those that stay commute to Penn State or the I-99 corridor companies to better their career opportunities. Unfortunately, the proposed rail line, landfill, quarry, and industrial park offer potentially toxic and relatively low-paying and undependable work opportunities that are just another variation of the work opportunities typical in this area over the past century. This type of opportunity does nothing to offer these communities and populations better economic opportunity but instead offers just more of the same, and thus, promotes the status quo.

This undermines a future where this area serves as the recreational anchor, bedroom community and business satellite location to the now rapidly developing business and high-tech industrial center of the I-99 corridor anchored at the other end by Penn State University.

- Over the long term, assess the economic benefits versus lost-opportunity costs by comparing realistic income projections from the proposed landfill to lost recruitments locally (Snow Shoe and Rush Township) and regionally (I-99 corridor) of high-tech growth industries.
- Over the long term, assess the landfill's benefit versus cost in terms of environmental justice recognizing the disparity in who benefits. Using RRLCC's own projection to the Pennsylvania Department of Environmental Protection (PADEP), they will take away 56% of the gross income (benefit) and none of the trash (harms), whereas the workers, residents, local and school governments and businesses get only 11% of this income but 100% of the trash (harms).
- Consider the psychological and economic effect the proposed rail line, landfill, quarry, and industrial park will have on the local population. Many people in the area, especially seniors on fixed incomes, are on the threshold of what they can tolerate, financially and emotionally. Devaluation of their personal property and environment (especially those living along the track) by this proposed rail line, landfill, quarry, and industrial park could have devastating effects.
- People in this area have limited resources to adapt. The area is aging, on fixed incomes or low-income, isolated, and seemingly continuously targeted by exploitative industries. Over that last 40 years, locally undesirable land uses have been proposed by many outside developers for this area, such as Project Kerch, Project Rail-Haul, Pine Glen Energy Park, and Attwoods, all of which were strongly opposed by the general citizenry who value their environment and nature-based culture.

EI-16429



Cooper Township Municipal Authority
 P.O. Box 446 ~ Wimburne, PA 16879
 Phone (814) 345-5675 ~ Fax (814) 345-6491

February 23, 2009

Danielle Gosselin
 Surface Transportation Board
 395 East Street SW
 Washington D.C. 20423

To Danielle Gosselin
 Surface Transportation Board.

In response to the deadline comment period re: reopening of the R.J. Corman R.R. line to proposed Rush Township landfill.

Let me start by defining this section of line. It will be a spur, this means that it will lead only to the proposed landfill and serve the landfill only.

Ms Gosselin, this part of the line will be used to transport out of state garbage, some of which is industrial waste and radioactive materials. These cars carrying this contaminated waste will be traveling through areas that can and will have a detrimental impact to not only our watershed but also the Chesapeake Bay should these cars leak the leachate created from this waste. There will also be times that these cars will be stopped on areas of this spur for days, creating an even bigger threat to our water supply.

Our water supply cannot be replaced once it's destroyed. Also the Chesapeake Bay through D.E.P. has implemented regulations upon regulations on the people of this area to maintain clean water practices. The threat of disaster that could occur at any time from no less than 54 cars of waste traveling through this water shed area is phenomenal.

The reopening of the area of R.J. Corman lines will also include creating the spur to the landfill to be used only for that purpose. Imagine 54 cars sitting on a track in the middle of an area that is surrounded with camps, hikers, residential housing and our kids on a beautiful 80degree day.

These cars will also be a threat to the hardwoods of the area causing fires from the state of the wheels.

Again, the threat to the water supply is overwhelming from leachate and combustion fires. The facts are overwhelming this track needs to be denied. Our waters and watersheds must be

healthy, sustainable outdoor recreation economy and rob this typically lower-income community of one of its most highly valued assets — undeveloped primitive to semiprimitive forests/open space that attracts visitors.

13. Cumulative and Indirect Impacts

- The I-99 corridor anchored by Penn State is rapidly developing into a high-tech industry/business zone. The future growth and prosperity will depend on attracting the best talent and companies. Quality of life and recreation is very much a major consideration on where they locate. How many businesses will choose elsewhere because a major landfill is nearby, being the centerpiece nestled in the largest recreational area, define by the PA Wilds, Black Moshannon State Park and Forest, Sprout State Forest, two very large state-owned Game Lands, and some of the largest, private forest tracts and best trout fishing in central Pa. This has adverse regional as well as local economic effects.
- Evaluate construction and operational harms specifically posed by the proposed landfill, quarry, and industrial park.
 - a. Noise
 - b. Odors and air pollution
 - c. Dust
 - d. Vermin and vectors
 - e. Litter
 - f. Fire potential
 - g. Coal mine preconditions
 - h. Leachate, chemical, and sediment releases into water sources
 - i. Other issues as appropriate

14. Additional Impact Categories Needed But Omitted

- Train-hauled contents—trash and input/output from the proposed landfill and industrial park need to be addressed. These contents will have a direct environmental impact, especially on nearby and downwind homes, seasonal properties, institutions, businesses, historical buildings. These include odor, leakage, litter, and vermin primarily from transported municipal solid waste.
- Compare recycling programs in place for the out-of-state waste sources to PA's recycling program in terms of how much and what is not recycled. Assess the resulting environmental and economic impacts of these differences during transport through PA and on placement in the landfill. To date, and confirmed through conversations with STB representatives at the February 10, 2009 Scoping Meeting in Philippsburg, PA, the petitioners expect their waste sources to be primarily from New York and New Jersey.

EI-16426



protected at all costs. The track will be effecting EV waters, waters that cannot ever be repaired once destroyed.

Sincerely,

Sharon G. Josefik

Sharon G. Josefik
Chairman
Cooper Township Municipal Authority

Cc Cooper Township Supervisors
Morris Township Supervisors
Allen Uhler CTMA Water Engineer
F. Cortez Bell III CTMA Solicitor
Cooper Township Planning Commission
Centre Co Planning Commission
Wilson Fisher, CTMA Sewerage Engineer
Clearfield Co Board of Commissioners
Centre Co Board of Commissioners

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DIRECTOR
ROBERT R. JACOBS
ASSISTANT DIRECTOR
SUSAN B. HANNESMAN

February 24, 2009

Danielle Gosselin
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

RE: Environmental Filing STB Finance Document No. 35116

Dear Ms Gosselin,

The Centre County Planning and Community Development Office appreciates the opportunity to provide comments to the Surface Transportation Board (STB) regarding the Environmental Impact Statement (EIS) scoping process for STB Finance Docket 35116. The Planning Office is responsible for the review and coordination of local land use planning activities with the municipalities in Centre County.

Therefore, our comments regarding the proposed reactivation of the Beech Creek rail line will include the impacts from the proposed land development activities that are the catalyst for this rail line reactivation. In that regard, the Planning Office recommends that the STB's scope of the EIS include not only the rail line but the associated proposed land development activities. Without the inclusion of these proposed activities in the EIS, there would be no need for the rail line reactivation.

This requested rail line reactivation by R. J. Corman is intended to serve a proposed landfill in Rush Township, Centre County that is to be operated by Resource Recovery LLC (RR LLC) from Lancaster, PA. The parcel intended for this use is within Rush Township and Snow Shoe Township, Centre County. At the present time, this landfill has not been approved and permitted by the PA Department of Environmental Protection (PA DEP). The permit application review by the PA DEP has been suspended since February 7, 2007.

The reasons for the suspension relate to the proposed access interchange along Interstate 80. Additional information can be found in the correspondence submitted to you from the Federal Highway Administration dated January 19, 2009.

In addition to RR LLC's suspended permit, it should be noted that a recent action by the PA DEP regarding another proposed landfill approximately 16 miles west of the RR LLC site should question the economic viability of RR LLC's proposal. In this recent action from July 2008, the PA DEP denied a landfill permit submitted by PA Waste, LLC for a proposed landfill of similar size and proposed tonnage (5,000 tons per day). The reasons for the denial involve PA Waste's inability to justify the hauling of waste from New York to their proposed facility in Clearfield County when there were at least eight (8) existing landfill facilities identified between New York and the PA Waste, LLC facility that are capable of accepting the same waste.

The PA DEP decision to deny the PA Waste should be factored into this scope of study for the EIS because a representative at the February 10, 2009 public scoping meeting stated that the waste for the proposed RR LLC facility would also be from the New York and New Jersey areas. Based on this, the Planning Office recommends that the scope be expanded and include another alternative that considers landfill locations in closer proximity to the generated waste stream.

Beech Creek Railroad Historical Perspective

The research and documentation of the Beech Creek Railroad for the 36 CFR Part 800, Section 106 process was a valuable asset but a failed attempt to address the complete impact of rail reactivation for commercial and industrial purposes. The research and documentation conducted by the engineering and environmental consultant, Skelly and Loy, has recommended that the Beech Creek Railroad is a significant historic resource and has been found eligible for listing in the National Register of Historic Places based upon the National Park Service Criterion A and C. Furthermore, the consultant concludes his findings by stating that, "No construction is anticipated outside of the existing cut and fill of the existing rail bed. Other remains, such as signal tower foundations, siding beds, and tipple remains, lie outside of the anticipated limits of disturbance. As a result, Skelly and Loy does not recommend an archaeological survey." The goal of consultation is to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties. This work appears to be incomplete.

The consultant's conclusion of "no adverse effect" is apparently based upon the erroneous concept that no construction is anticipated beyond the railroad right-of-way. This is in direct conflict with statements made by presenters at the public meeting held February 10, 2009 to address the environmental scoping process. As conveyed at this meeting, reactivation of the proposed rail line for the anticipated land uses will require the construction of a siding approximately 6,500 linear feet in length, constructed west of the Peace Tunnel, and most likely south of the existing rail bed. This siding is necessary to accommodate two-way rail traffic.

Therefore, the statement by Skelly and Loy that "no construction is anticipated outside of the existing cut and fill of the existing rail bed" is in conflict with information presented to the public on February 10th. Furthermore, the location of this siding west of the Peace Tunnel may likely impact remnants of industrial archaeology and requires further study to assess the full ramifications of the proposed rail reactivation.

Recreational Facilities

The rail line impacts several recreational facilities within Centre and Clearfield Counties. A section of the rail line traverses the Moshannon State Forest. Consultation with the PA Department of Conservation and Natural Resources must be conducted to determine any potential impacts to this recreational area

and this loss should be evaluated for its impact to the local economy. The other recreational resource that will receive the most impact is the Snow Shoe Rail Trail Association's (SSRTA) facility owned by the Headwaters Charitable Trust that utilizes a large portion of the identified rail line proposed for reactivation. This private association has over 2,000 members that come from across the Commonwealth to use this facility. Economic development activity in the form of new businesses have been created due to the popularity of this trail system. Reactivation of the rail line will virtually eliminate this recreational facility and this loss should be evaluated for its impact to the local economy.

Land Use/Zoning

The map submitted as part of the request for comments indicates that the rail line reactivation extends into Snow Shoe Township near Gorton and its intersection with Gorton Road. As mentioned above, Snow Shoe Township denied a zoning amendment requested by RR LLC in 2004. The current zoning on the property is Forest - Open Space and does not permit industrial uses and their associated activities. Although there are no specific details, it appears as though the Gorton area may also be utilized as a rail terminus point in addition to the siding area west of the Peace Tunnel where solid waste materials and/or materials generated will be off loaded to trucks for transport to the landfill.

11-16553

COOPER TOWNSHIP

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KYLERTOWN, PA 16847

(814) 345-6571
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February 26, 2009

Danielle Gosselin
Surface Transportation Board
395 East Street SW
Washington D. C. 20423

RE: Reactivation of the R. J. Corman Railroad Line to Rush Township, Centre County

Dear Gosselin:

We here at Cooper Township, Clearfield County are very concerned and opposed to the reconstruction of the Rail line through our township. We have residents that live along that stretch of rail line and in some cases, homes are no more than 40 feet away.

We the Board of Supervisors of Cooper Township are elected to provide our residents with a clean, safe environment in which to live. Having a rail line that hauls carloads of garbage on a daily basis to the proposed Rush Township Landfill is not providing our residents with the clean, safe environment in which they deserve and expect.

As you are aware, mining was a huge part of the economy in this area for many years. It has also caused major damage to our resident's private water supplies. We have a major concern that the reinstatement of the rail line could have a huge impact on our water supply now that serves the Cooper Township Municipal Authority customers. If by chance, something damages our water supply you basically have nothing.

Please consider all of impacts that this could impose on Cooper Township and neighboring municipalities.

We are positive that you will use all resources available to you and make a decision to protect the residents of Cooper Township.

If you should have any questions, please feel free to contact us.

Sincerely,


Wayne T. Josephson, Chairman Supervisor

Charles R. Saggieste, Supervisor

Charles S. Engelmann, Supervisor

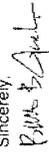
This activity would be deemed an industrial use in Snow Shoe Township as rail/truck terminal activity and is not permitted. Prior to any determination by the STB in regards to the EIS, this issue must be addressed.

In addition the rail terminus point as shown in Gorton is directly adjacent to existing residences along Gorton Road. The impacts from the movement of solid waste via rail and truck in this area would be detrimental to the residences. This is similar to the concerns in Clearfield County where the rail line traverses numerous communities and residences and must be addressed as part of the land use analysis for the EIS.

Transportation and Safety

Based upon the information provided at the February 10, 2009 public scoping meeting, public safety access within the communities throughout the rail corridor should be evaluated. Given the proposed length of the train and its estimated speed, emergency vehicle response times could be delayed for up to ten minutes. It is imperative that public safety access be maintained.

The Planning Office again would like to thank the Board for requesting our comments on this EIS scoping process. Should you have any questions or require additional information, please let me know.

Sincerely,

Robert B. Jacobs, AICP
Planning Director

pc: Centre County Board of Commissioners
Timothy T. Boyd, County Administrator
Susan B. Hannegan, Assistant Director
Snow Shoe Township Supervisors
Jodi Brennan, Clearfield County Planning Director



U. S. DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Washington, DC 20590

FEB 19 2009

228 Walnut Street, Room 608
Harrisburg, PA 17101-1720

In reply refer to
HEV-PA-2

Danielle Gosselin
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Attention: Environmental Filing
STB Finance Document No. 35116

Dear Ms. Gosselin:

Please consider this the Federal Highway Administration (FHWA) Pennsylvania Division's formal request to become a Cooperating Agency for the proposed project referenced under STB Finance Document No. 35116. This request is being made based on the "reasonable and feasible alternatives" listed in the Notice of Intent to Prepare an Environmental Impact Statement, which include:

- (2) no-build alternative option 1 involving the construction of a new interchange on Interstate 80 (I-80) and
- (3) no-build alternative option 2 involving improving the existing local road system (i.e., road paving, bridge replacement, etc.).

Both of these alternatives, and in particular the I-80 interchange (no-build option 1) alternative, would result in an action by FHWA should either be selected. Therefore, FHWA believes that it is in the interest of all parties that we are involved throughout the environmental and alternative-selection process.

FHWA involvement to date:
The proposed project being evaluated would "provide rail service to a proposed new quarry, landfill, and industrial park being developed by Resource Recovery, LLC near Getton in Rush Township, Centre County, Pennsylvania." During early evaluation of access to the proposed landfill, a new, privately-funded interchange on Interstate 80 was proposed by Resource Recovery and a Point of



Access (POA) Study was prepared and presented to FHWA for conceptual approval. Conceptual approval was not granted (in a later dated January 25, 2007) due to the following issues:

1. The POA document failed to demonstrate that the "existing interchanges and/or local roads and streets in the corridor can neither provide the necessary access nor be improved to satisfactorily accommodate the design-year traffic demands while at the same time providing the access intended by the proposal."
2. The proposal has not demonstrated consistency with regional land use and transportation plans.

FHWA has not received a subsequent request for conceptual approval and understands that Centre County has denied the proposed project's inclusion in their Comprehensive Plan. Only recently have we received notice of the proposed reactivation and construction of rail line to provide access in lieu of the construction of a new I-80 interchange and that the no-build alternatives mentioned above will be included in the Environmental Impact Statement.

If you have any questions or require additional information, please contact me at (717) 221-1715 or Jonathan.Grumbel@dot.gov.

Sincerely,

Jonathan P. Crum
Environmental Protection Specialist



EO-1164



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

March 16, 2009

Jonathan Crum
Federal Highway Administration
Pennsylvania Division
228 Walnut Street, Room 508
Harrisburg, PA 17101-1720

Re: STB Finance Docket No. 35116, R.J. Corman Railroad Company/Pennsylvania Lines, Inc. - Petition for Exemption to Construct and Operate a Rail Line between Wallaceport (Clearfield County) and Gorton (Centre County), Pennsylvania

Dear Mr. Crum:

Thank you for your February 19, 2009 letter regarding the proposed construction and operation of approximately 20 miles of the former Beech Creek Branch Line in Clearfield and Centre Counties, Pennsylvania. The proposed rail line would serve a new quarry, landfill and industrial park located near Gorton in Rush Township, Centre County, Pennsylvania. In your letter, you request that the Federal Highway Administration (FHWA), Pennsylvania Division, be permitted to participate as a cooperating agency in the preparation of the Environmental Impact Statement (EIS) for this project. The Surface Transportation Board's Section of Environmental Analysis (SEA) accepts your request but would like to address the alternatives mentioned in your letter.

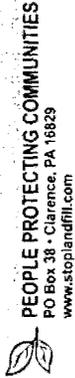
Pursuant to 40 CFR 1501.6, SEA typically grants cooperating agency status to agencies with special expertise or jurisdiction by law. In your letter, you indicate that FHWA's request to become a cooperating agency is based on the reasonable and feasible alternatives listed in the draft Scope of Study for the EIS. Specifically, you mention the two no-build alternatives because if either no-build alternative is selected as the preferred alternative, it would result in an action by FHWA. Please understand that since we are at the first stage of the EIS process, we included a wide range of alternatives in the draft Scope of Study. As we gather more information, we may end up eliminating some of the alternatives if we determine that they are not reasonable or feasible. We will update you on our alternatives analysis as we proceed with the Board's environmental review.

If you have any questions, please do not hesitate to contact me or Danielle Gosselin of my staff at (202) 245-0300. We look forward to working with you in the future.

Sincerely,

Victoria Ruisson
Chief
Section of Environmental Analysis

cc: Kevin Stamer, Skelly & Loy, Inc.



February 23, 2009

Danielle Gosselin
Surface Transportation Board
395 E. Street, SW
Washington, DC 20423

Attention: Environmental Filing STB Finance Docket No. 35116

Dear Ms. Gosselin:

We appreciate the opportunity to participate in the Environmental Impact Statement (EIS) scoping process for STB Finance Docket No. 35116. People Protecting Communities (PPC) has been involved with the proposed development of the landfill, the railroad and the other activities supporting the landfill, and all its variations since March 2004. Most recently, in June 2008 we filed a Petition to Hold Proceedings in Abeyance with regards to certain actions requested by R. J. Corman Railroad Company/Pennsylvania Lines Inc. (RJRCP) pending the completion of an environmental review to be performed pursuant to the National Environmental Policy Act (NEPA).

The Draft Scope of Study for the EIS proposes to treat the construction and operation of the proposed rail line (construction and operation of an abandoned 10.8 mile rail line between Wallaceon Junction and Winburne and the reactivation of track on the connecting 9.3 miles of currently rail banked line between Winburne and Gorton) as a single action rather than an integral and connected portion of the larger landfill project. The proposed action for the Draft Scope of Study for the EIS should be a connected action that includes not only the proposed rail line but also the landfill it will serve and other facilities incidental to the landfill, viz. industrial park, and recent quarry, as required by 40 C.F.R. § 1508.25 (a).

Please note the comments contained within this document will not be PPC's only submission with regards to the review of Finance Docket No. 35116 et al. PPC reserves the right to submit further public comment, testimony, criticisms, responses, make requests, initiate actions, and otherwise participate in this review process.

Sincerely,

JoAnn Gillette, Coordinator
Review Committee
People Protecting Communities
PO Box 38
Clarence, PA 16829
joann.gillette@yahoo.com
(814) 387-6537

EI-16561

- COMMITTEES
- AGRICULTURE & RURAL AFFAIRS
- CHAIRMAN
- GAME & FISHERIES
- CAUCUSES
- NORTHWEST
- FIRE/FIGHTERS



House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

March 16, 2009

Surface Transportation Board
Attention: Danielle Gosselin
395 East Street, SW
Washington, DC 20423

RE: Environmental Filing STB Finance Docket No. 35116

Dear Ms. Gosselin:

Enclosed is a copy of a letter that was sent to you by Ms. JoAnn Gillette of People Protecting Communities

I agree with Ms. Gillette that the Scope of Study for the Environmental Impact Statement of the proposed RJ Corman's Railroad Company/Pennsylvania Lines, Inc.'s Wallaceon/Winburne/Gorton rail line, should be a connected action that also includes the proposed landfill, industrial park, recent quarry, and other facilities associated with this location. This is a comprehensive project and the environmental impacts should be considered for the whole project, not just one portion of the project, such as the rail line. This would be the only fair and thorough way to conduct an environmental assessment.

This proposed project is located in the beautiful pristine area of the Pennsylvania Wilds and every effort should be made to preserve its natural wonder. I respectfully ask you to consider the facts and comments submitted by Ms. Gillette, as she has spent many hours following this project with her organization which includes experts in various fields.

Thank you for your time and attention to this matter.

Very Truly Yours,

Mike

Mike Hanna

76th District
State Representative

MKH/ta

Enclosure

Cc: JoAnn Gillette, Nancy Surley, Council on Environmental Quality Chair

STB 03/16/09

FI-16563

MICHAEL K. HANNA MEMBER
29 BELLEFONTE AVENUE
LOCK HAVEN, PENNSYLVANIA 17445
PHONE: (717) 845-1710
TOLL FREE: (800) 645-0946

102 TURNPIKE STREET
P.O. BOX 1134
MILLSBORO, DELAWARE 19963
PHONE: (410) 353-8262

302 MAIN CAPITOL
P.O. BOX 22076
HARRISBURG, PENNSYLVANIA 17120-2076
PHONE: (717) 732-2263



House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

COMMITTEES

AGRICULTURE & RURAL AFFAIRS
CIVIL RIGHTS
GAMING
MAJORITY POLICY

CAUCUSES

NORTHWEST
FIREFIGHTERS

FEB 26 2009

332 E High St
Bellefonte, PA, 16823
February 23, 2009

March 19, 2009

Ms. Danielle Gosselin
Surface Transportation Board
395 East Street SW
Washington, DC 20423

RE: Environmental Filing STB Finance Docket No. 35116

Dear Ms. Gosselin:

Please find enclosed a copy of a letter that was sent to you by our constituent regarding the proposed reconstruction of a rail line by RJ Corman in northwestern Centre County. I share my constituent's concerns and respectfully request that her comments be considered.

Please provide a copy of any response that you send to my constituent. Thank you for your time and attention to this matter.

Very Truly Yours,

Mike

Mike Hanna
76th District
State Representative

MKH/lla

Enclosure

Cc: Teresa Davis

Danielle Gosselin
Surface Transportation Board
395 E Street SW
Washington DC 20423

Attention: Environmental Filing
STB Finance Docket No. 35116

Dear Ms. Gosselin:

As a concerned citizen living in Centre County, I am voicing my concern about the proposed reconstruction of a rail line in our northwest part of our county for the purposes of servicing the proposed Resource Recovery Landfill, a proposed industrial park, and a quarry.

Being one of many recreational users, I drive near this area once or twice a week. As I drive through some high areas of the plateau, I gaze across all of this scenic area and try to take a mental inventory of what's to come. I see a huge parcel of torn-up land, being dug to infinity by people and machines, neither having a clue as to what they are doing to this precious resource!!

Just imagine, if you will, deciding to take a vacation from your highly stressful job with family or friends. Maybe you do not have much vacation time from work, or you can not afford that highly prized experience of traveling to a distant idyllic "hot" spot that affords the kind of recreation you could only dream of. But instead there is a near and affordable place to go for rejuvenation, our area*. After you are exiting Interstate 80, you soon encounter one of the "Welcome to PA Wilds Elk Scenic Drive" signs flanking the regional roads. They point the way to the great outdoors, and the promise of just what you have been waiting for, a long over-due reconnection with nature. Perhaps you like to hike, hunt, canoe or kayak, snowshoe, cross-country ski, photograph elk or other wildlife, to name a few activities. Maybe you would just like to experience peace and solitude, something you have not experienced in a long time. Finally, maybe you would like to impart some of these experiences to your children. And in doing so, an intrinsic benefit occurs, you give them a lasting, moral, thoughtful compass to guide them in life.

6/19/09
MKS

February 23, 2009

3

Danielle Gosselin
Surface Transportation Board

Centre County Commissioners
Jon W. Eich -- Chairman
Rich Rogers
Steven G. Derishem
Willowbank County Office Building
420 Holmes Street
Belleville, PA 16823

Snow Shoe Township Supervisors
Rodney Preslovich, John Yecina, George Haynes
PO Box 65
Clarence, PA 16829

Rush Township Supervisors
Michael Savage, Patrick E. Couturiaux, Steven Knowles
PO Box 152
Phillipsburg PA 16866

Cooper Township Supervisors (Clearfield)
Wayne Josephson, Charles Saggese, Charlie Engleman
PO Box 208
Kylertown, PA 16847

People Protecting Communities
P O Box 38
Clarence PA 16829-0038

February 23, 2009

2

Danielle Gosselin
Surface Transportation Board

Therefore, I invite you to come to our area and enjoy the above experiences that thousands of others have! But please do so before a possible railroad, a landfill, a quarry, and an industrial park grips the land. Because that is what will happen—such an egregious error will forever grip and mar the land and people in ways both seen and unseen. And it's all lying at the doorstep to one of the last of Pennsylvania's great wild scenic areas. Doesn't make sense, does it?

So please stand tall, and do not let the above scenario occur.

Sincerely,

Teresa Davis

Teresa Davis

...Quehanna Wild Area: it is the largest so-designated in the state, and the largest area of semi-wilderness between the Adirondacks and some of the national forests in Virginia and North Carolina, and thus many of the recreational users are from surrounding states...this area is one of the few large areas available for backwoods hiking away from civilization. It once received a phone call from a hiker in Ann Arbor Michigan, inquiring about Quehanna because it was closer to him than Michigan's Upper Peninsula." Ralph Seeley, *Great Buffalo Swamp: A Trail Guide and Regional History for the Moshannon State Forest Land Neatby Parts of Clearfield and Centre Counties*, July 2001, p. 50

cc: to the following:

The Honorable Arlen Spector
PO Box 1092
Harrisburg, PA 17101

The Honorable Glenn W. Thompson
3555 Benner Pike, Suite 101
Belleville, PA 16823

The Honorable Michael Hanna
PO Box 1134
Milesburg, PA 16863
Danielle Gosselin
Surface Transportation Board

The Honorable Robert P. Casey, Jr.
817 E. Bishop Street
Belleville, PA 16823

The Honorable Edward G. Rendell
225 Main Capital Building
Harrisburg, PA 17120

The Honorable H. Scott Conklin
301 South Allen Street, Suite 102
State College, PA 16801

The Honorable Kerry A. Benninghoff
209 South Allegheny Street
Belleville, PA, 16823

The Honorable Camille George
275 Spring Street
Houtzdale, PA 16651



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

May 6, 2009

Mr. David Densmore
U.S. Fish and Wildlife Service
315 South Allen Street, Suite 322
State College, PA 16801

Re: Finance Docket No. 35116, RJ Corman Railroad Co., Beech Creek Branch Line – Construction and Operation – Between Wallacetown and Gorton, Pennsylvania; Alternative Route Evaluation

Dear Mr. Densmore:

I am writing to let you know about a new alternative that has been developed as a result of the public scoping process for the Environmental Impact Statement (EIS) in the above-mentioned case. Below, I summarize the railroad's proposal, the agency's environmental review process, and information we have about the new alternative. Finally, I ask for your help in identifying potential environmental impacts associated with this new alternative.

Railroad's Proposal

On May 20, 2008, R.J. Corman Railroad Company/Pennsylvania Lines Inc. (RJCP) filed a petition with the Surface Transportation Board (Board) pursuant to 49 U.S.C. 10502 for authority to reconstruct and operate an abandoned 10.8-mile rail line between Wallacetown Junction and Winburne in Clearfield County, Pennsylvania, and to rebuild the track on a connecting 9.3 miles of currently rail-banked line between Winburne and Gorton in Clearfield and Centre Counties, Pennsylvania. In total, 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.

Should this rail line construction and operation proposal be approved by the Board, RJCP would be able to provide rail transportation service to and from the proposed quarry, landfill and industrial park. RJCP anticipates that the line would handle approximately 17,000 carloads annually, or one round trip per day at approximately 55 carloads per trip, six days per week.

Board's Environmental Review Process

Pursuant to the National Environmental Policy Act (NEPA) and the Board's environmental rules, the Board's Section of Environmental Analysis (SEA) will prepare an EIS

that evaluates the potential environmental effects of the proposed project. As part of the NEPA process, SEA conducted a public scoping meeting for this project on February 10, 2009. At this meeting, a member of the public came forward with an alternative route that will be evaluated in the EIS. This alternative route would involve reconstructing an approximate 7.0-mile segment of abandoned rail line located adjacent to the Moshannon Creek between Phillipsburg and Munson in Clearfield County, Pennsylvania (shown in orange on the enclosed Project Location Map). Associated with this alternative route would be the construction of approximately 2,500 feet of new track (shown in purple on the enclosed Project Location Map) to connect with RJCP's existing Wallacetown Subdivision line. From Munson eastward to Gorton, the proposed rail reactivation corridor remains unchanged.

Preliminary investigations indicate that this alternative route would avoid and minimize many of the socioeconomic and public safety concerns associated with the original Wallacetown to Munson route. As such, the purpose of this letter is to request information regarding potential resources within the area of this alternative route that may be of concern to your agency, as well as any permits and approvals that may be required.

Request for Assistance

We appreciate your assistance in identifying whether any resources may be affected by the alternative route and welcome information on any additional issues or concerns that you may have. We request your response by June 3, 2009, so that we can incorporate your response into the final scope of study, as appropriate. Please send your comments to:

Ms. Sandra Basehore
Skelly and Loy, Inc.
449 Eisenhower Boulevard, Suite 300
Harrisburg, PA 17111

If you have any questions, please contact Sandy Basehore, Project Manager for Skelly and Loy, at 717-232-0593 or Danielle Gosselin, SEA Project Manager, at 202-245-0300. Thank you for your assistance.

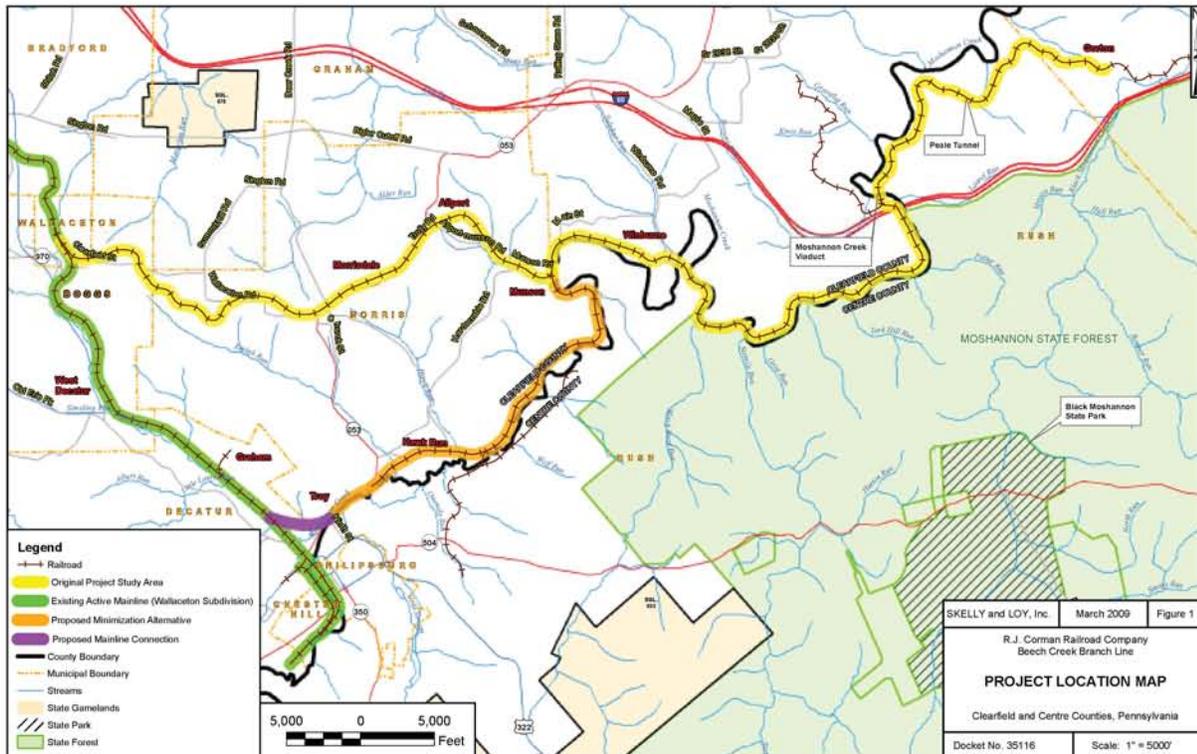
Sincerely,

Victoria Ruison
Chief
Section of Environmental Analysis

cc: Ronald A. Lane, Esq.

FEDERAL AGENCIES:

- Mr. David Densmore
U.S. Fish and Wildlife Service
315 South Allen Street, Suite 322
State College, Pennsylvania 16801
- Mr. Jonathan Crum
Federal Highway Administration
Pennsylvania Division
228 Walnut Street, Room 508
Harrisburg, Pennsylvania 17101-1720
- Mr. Craig Derickson
Natural Resources Conservation Service
U.S. Department of Agriculture
1 Credit Union Place, Suite 340
Harrisburg, Pennsylvania 17339-2993
- Mr. Donald Welsh
U.S. Environmental Protection Agency – Region 3
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029
- Mr. Dennis Reidenbach
National Park Service – Northeast Region
U.S. Custom House
200 Chestnut Street, Fifth Floor
Philadelphia, Pennsylvania 19106
- Mr. Tom Pluto
U.S. Army Corps of Engineers – Baltimore District
State College Field Office
1631 South Atherton Street
State College, Pennsylvania 16801
- Department of Housing and Urban Development
Region III
339 Sixth Avenue, 6th Floor
Pittsburgh, PA 15222-2515



Federal Railroad Administration
Region 2
Baldwin Tower, Suite 660
1510 Chester Pike
Crum Lynne, PA 19022

Federal Emergency Management Agency
Region III
615 Chestnut Street
One Independence Mall, Sixth Floor
Philadelphia, PA 19106-4404

Department of Health and Human Services
Region III
Suite 436, Public Ledger Building
150 S. Independence Mall West
Philadelphia, PA 19106-3499

STATE AGENCIES:

Mr. Jeff Schmid
Pennsylvania Fish and Boat Commission
Division of Environmental Services
450 Robinson Lane
Bellefonte, Pennsylvania 16823-9620

Mr. Jim Leigey
Pennsylvania Game Commission
Bureau of Wildlife Habitat Management
2001 Elmerton Avenue
Harrisburg, Pennsylvania 17110-9797

Ms. Rebecca Bowen
Pennsylvania Department of Conservation and Natural Resources
Bureau of Forestry, Ecological Services Section
400 Market Street
Post Office Box 8552
Harrisburg, Pennsylvania 17105

Mr. Robert Yowell
Pennsylvania Department of Environmental Protection – Northcentral Region
208 West Third Street, Suite 101
Williamsport, Pennsylvania 17701-6448

Mr. Robert Merrill, Jr.
Pennsylvania Department of Conservation & Natural Resources
Moshannon District
3372 State Park Road
Penfield, Pennsylvania 15849-1722

Mr. Dennis Wolff
Pennsylvania Department of Agriculture
2301 North Cameron Street
Harrisburg, Pennsylvania 17110

Mr. Dennis Yablonsky
Pennsylvania Department of Community and Economic Development
Commonwealth Keystone Building, 4th Floor
400 North Street
Harrisburg, Pennsylvania 17120-0225

Ms. Denise Pyers
Pennsylvania Department of Transportation
Bureau of Rail Freight, Ports and Waterways
Commonwealth Keystone Building
400 North Street
Harrisburg, Pennsylvania 17120

Mr. Kevin Kline, PE
Pennsylvania Department of Transportation – Engineering District 2-0
1924 Daisy Street Extension
Post Office Box 342
Clearfield, Pennsylvania 16830

Ms. Jean Cutler
Pennsylvania Historical and Museum Commission
Bureau for Historic Preservation
Commonwealth Keystone Building
400 North Street

Morrisdale, Pennsylvania 16858

Rush Township Board of Supervisors
150 North Richard Street
Post Office Box 152
Philipsburg, Pennsylvania 16866

Snow Shoe Township Board of Supervisors
268 Oldside Road
P.O. Box 65
Clarence, PA 16829

Wallaceton Borough Commissioners
P.O. Box 121
Wallaceton, PA 16876

Harrisburg, Pennsylvania 17120

LOCAL AGENCIES:

Ms. Jodi Brennan
Clearfield County Department of Planning
650 Leonard Street
Clearfield, Pennsylvania 16830

Clearfield County Commissioners
Clearfield County Court House
230 East Market Street, Suite 101
Clearfield, Pennsylvania 16830

Mr. Robert Jacobs
Centre County Planning and Community Development Office
Willowbank County Office Building
420 Holmes Street
Belleville, Pennsylvania 16823-1488

Bradford Township Board of Supervisors
2289 Barrett Road, Suite B
Woodland, Pennsylvania 16881

Boggs Township Board of Supervisors
Post Office Box 69
West Decatur, PA 16858

Decatur Township Board of Supervisors
575 Fairview Road
Osceola Mills, Pennsylvania 16666

Cooper Township Board of Supervisors
Post Office Box 208
Kylertown, Pennsylvania 16847

Morris Township Board of Supervisors
1189 Oak Grove Road



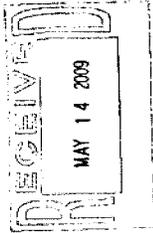
Pennsylvania Department of Environmental Protection

208 West Third Street, Suite 191
Williamsport, PA 17701-6448
May 13, 2009

Northcentral Regional Office

Ms. Sandra Baschore
Skelly and Loy, Inc.
449 Eisenhower Blvd., Suite 300
Harrisburg, PA 17111

570-327-3695
Fax 570-327-3565



Re: RJ Corman Railroad Company
Beech Creek Branch Line
Construction and Operation
Between Wallacetown and Gorton, PA

Dear Ms. Baschore:

I am writing in regards to the above referenced project proposal. Regional staff have completed a preliminary review of your submittal and offer the following comments:

- For permitting issues related to either earthmoving/construction stormwater or water obstructions and encroachments, please contact this office's Watershed Management Program for assistance.
- In looking at the topographical and aerial map in greater detail, there appears to be a potential former siding site near the village of Hawk Run that if reconstructed potentially would require an industrial waste stormwater permit. The existing rail bed crosses English Run, Hawk Run and an unnamed tributary to Moshannon Creek on the north bank between Philipsburg and Winburne. It is difficult to envision any circumstances where a spill anywhere along this section of rail line would not end up in water. Please ensure that appropriate measures are considered and precautions taken.
- The Environmental Cleanup Program is not currently aware of any significant environmental problems in the proposed railroad construction designation. If contaminated material is encountered during construction of the railroad line please contact the Environmental Cleanup Program at 570-327-0500.

Ms. Sandra Baschore

-2-

May 13, 2009

- Any water lines must be taken into consideration during the design of the proposed mainline connection.

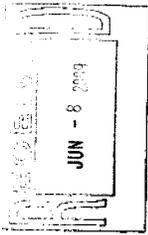
Sincerely,

Michael C. Welch
Assistant Regional Director

cc: David Aldenderfer
Dave Garg
John Hamilton
Robert Hawley
Ted Loy
Jennifer Means
James Miller
File



Ms. Sandy Basehore, serving as Surface Transportation Board, Office of Economics, Environmental Analysis and Administration, Section of Environmental Analysis' Independent Third Party Consultant
 Finance Docket No. 35116, RJ Corman Railroad Co., Beech Creek Branch Line – Construction and Operation – Between Wallacetown and Gorton, Pennsylvania; Alternative Route Evaluation
 Page 2
 May 29, 2009



May 29, 2009



Ms. Sandy Basehore, serving as Surface Transportation Board, Office of Economics, Environmental Analysis and Administration, Section of Environmental Analysis' Independent Third Party Consultant
 Finance Docket No. 35116, RJ Corman Railroad Co., Beech Creek Branch Line – Construction and Operation – Between Wallacetown and Gorton, Pennsylvania; Alternative Route Evaluation

MS SANDY BASEHORE
 SKEELLY AND LOY, INC
 2601 NORTH FRONT STREET
 HARRISBURG, PA 17110

Dear Ms. Basehore:

This is in response to your letter of May 6, 2009 concerning the R.J. Corman Railroad Company reactivation of the former Beech Creek Rail Line from Wallacetown to Gorton, PA and the new alternative that has been developed as a result of the public scoping process for the Environmental Impact Statement (EIS). The enclosure of your letter states that you are interested in information regarding potential environmental impacts associated with the new alternative, as well as identifying any resources that may be affected, including any permits and approvals that may be required.

In Pennsylvania, the Public Utility Commission (PUC) takes authority in the locations of railroad/highway crossings, both at-grade and over/under. In previous discussions with the PUC Rail Safety Manager, it was mentioned that appropriate applications would be required to activate the highway/rail grade crossings. The reactivation of the new alternative would establish a minimum of 3 public at-grade crossings. Of these at-grade crossings, one would cross a Minor Arterial Highway with current AADT of 6,973 and a 5% Truck Count; one would cross a local class State Route with current AADT of 7,120 and a 9% Truck Count; and the other at-grade crossing appears to be on a local road. Diagnostic analysis for each public crossing will have to be conducted to evaluate field conditions and types of protections required, which can range from advance warning signs, pavement markings and crossbucks including the possibility of flashing lights and gate systems. At-grade crossing surface types will also have to be designed and accounted for at each location.

Preliminary investigations may have indicated that this alternative would avoid and minimize many of the socioeconomic and public safety concerns associated with the original Wallacetown to Munson route however the following general comments apply directly toward the Environmental Impact Statement:

- The proposed alternative between Graham Station and Munson/Casanova would be located almost entirely within floodplains, floodways and significant wetlands associated with Laurel Run, Moshannon Creek and their tributaries. The original proposed alternative would avoid these resources and the significant regulatory permitting processes/mitigation requirements for such a location.
- Many of the tributaries, floodplains, floodways and wetlands along this segment have been impacted by the presence of Acid Mine Drainage and associated deep mine subsidence/stability concerns.
- The majority of this segment has been dismantled, bridges removed, grades breached, drainage structures obstructed/iron functional likely requiring complete reconstruction/elevation of the grade.
- Many portions of this segment are subject to frequent flooding and the rail grade is frequently inundated/saturated by elevated flows in the surrounding streams and wetlands.
- Significant private property impacts through existing wetlands would be required between Graham Station and the S. R. 6053/Ninth Street Intersection. Additional private property impacts include bisecting properties and possibly creating hardships/access concerns for adjacent residents along the entire alternative route. There are also discussions of property ownership. The rail line property may have been abandoned, sold and deeded to various purchasers.
- As with any active or abandoned rail corridor, the presence of hazardous/residual waste materials could impact any proposed alternative.
- As with any active or abandoned rail corridor, historic rail transportation related resources and features could be present along the corridor.
- Highway Occupancy Permitting may be required at many locations where the new alternative and existing driveways encroach the State Highway System, jointly. This could result in driveway reconstruction with all of the above mentioned environmental interests applying to each location.

In completing an EA or an EIS, R.J. Corman would be required to address each of the environmental subject areas, including those mentioned and all others. This proposed alternative suggests a more intensive environmental effort than the original.

Engineering District 2-0 | 1924 Dowsy Street Ext., P.O. Box 342 | Clearfield, PA 16830 | 814-765-0400

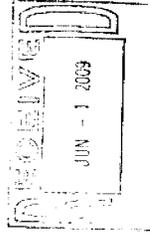
Ms. Sandy Basehore, serving as Surface Transportation Board, Office of Economics
Environmental Analysis and Administration, Section of Environmental Analysis' Independent
Third Party Consultant
Finance Docket No. 35116, RJ Corman Railroad Co., Beech Creek Branch Line - Construction
and Operation - Between Wallaceeton and Corton, Pennsylvania; Alternative Route Evaluation
Page 3
May 29, 2009

The Pennsylvania Department of Transportation, Engineering District 2-0, appreciates
the opportunity to respond to this subject and looks forward to participation in future planning
efforts related to the potential reactivation of the former Beech Creek rail Line.

Sincerely,



Kevin R. Kline, P.E.
District Executive
Engineering District 2-0



COOPER TOWNSHIP
PO BOX 208
KYLERTOWN, PA 16847
(814) 345-6571
Fax (814) 345-6069

May 29, 2009

Ms. Sandra Basehore
Skelly and Log, Inc.
449 Eisenhower Boulevard, Suite 300
Harrisburg, PA 17111

Dear Ms. Basehore:

The Board of Supervisors of Cooper Township, Clearfield County are very concerned and are opposed to the alternative route of the rail line through our township. The alternative route will go through a very populated area and the residents that live along that stretch of rail line are very close to the rail line.

We are elected to provide and protect our residents with a clean, safe environment. With the loads of waste on this railway, our property values for those residents will plummet. In addition, our residents will not have a safe environment in which they deserve and expect.

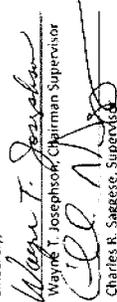
Mining has been a huge part of the economy in this area for many years. It has also caused major damage to our resident's private water supplies. We have a major concern that the rail line could have a huge impact on our watershed. Our watershed supplies Cooper Township Municipal Authority with approximately 1300 customers. If something would cause damage to our watershed our community will die. You can not restore your water quality once it is damaged.

Please consider all of the impacts that this could impose on Cooper Township and neighboring municipalities.

We are positive that you will use all resources available to you and make a decision to protect the residents of Cooper Township.

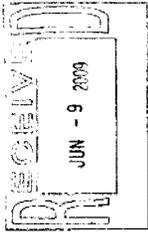
If you should have any questions, please feel free to contact us.

Sincerely,


Wayne T. Josephson, Chairman Supervisor
Charles R. Saggese, Supervisor

Charles S. Engelman, Supervisor

County of Centre



DIRECTOR
ROBERT B. JACOBS
ASSISTANT DIRECTOR
SUSAN B. HANNEGAN

June 3, 2009

PLANNING AND COMMUNITY DEVELOPMENT OFFICE

Willowbank Office Building
420 Helmas Street
Bellfonte, Pennsylvania 16823-1488
Telephone (814) 355-0791
FAX (814) 355-8661
www.co.centre.pa.us

BOARD OF COMMISSIONERS
JOY W. EICH, *Chair*
RICH ROGERS
STEVEN G. DERSHEM

Ms. Sandy Basehore
Skelly and Loy, Inc.
449 Eisenhower Boulevard, Suite 300
Harrisburg, PA 17111

RE: Alternate Route Evaluation, STB Finance Docket No. 35116

Dear Ms. Basehore,

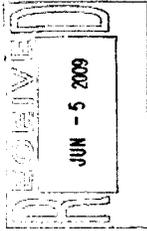
The Centre County Planning and Community Development Office appreciates the opportunity to provide comments to the Surface Transportation Board (STB) regarding the Alternate Route Evaluation for STB Finance Docket 35116. The Planning Office is responsible for the review and coordination of local land use planning activities with the municipalities in Centre County.

As with the Planning Office comments to the STB on February 24, 2009, the following comments regarding the proposed reactivation of the Beech Creek rail line will include the impacts from the proposed land development activities that are the catalyst for this rail line reactivation. Regardless of the proposed alternate route, the Planning Office recommends that the STB's scope of the EIS include not only the rail line but the associated proposed land development activities. Without the inclusion of those proposed activities in the EIS, there would be no need for the rail line reactivation.

In regards to your request for information related to environmental concerns along the proposed alternate route, the following is provided:

Wetland and 100 year flood plain areas are located in the area of the proposed mainline connection which is identified as a purple line on the project location map dated March 2009 and could be impacted due to rail line construction.

Commonwealth of Pennsylvania
Pennsylvania Historical and Museum Commission
Bureau for Historic Preservation
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120-0093
www.phmc.state.pa.us



June 2, 2009

TO EXPEDITE REVIEW USE
BHP REFERENCE NUMBER

Ms. Sandra Basehore
Skelly and Loy, Inc.
449 Eisenhower Boulevard, Suite 300
Harrisburg, PA 17111

RE: File No. ER 2008 1481 042-G
STB Finance Docket No. 35116; RJ
Corman Railroad Co., Beech Creek
Branch Line Construction & Operation
Between Wallacetown & Gorton, Centre
& Clearfield Counties

Dear Ms. Basehore:

The Bureau for Historic Preservation (the State Historic Preservation Office) has reviewed the above named project in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended in 1980 and 1992, and the regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation. These requirements include consideration of the project's potential effect upon both historic and archaeological resources.

All federal agency permitted/financed/funded projects requiring the comments of the Pennsylvania State Historic Preservation Officer should include the funding program, a project description, project location, and cultural resource site information as outlined in 36 CFR Part 800.4 (Identifying Historic Properties). Because your request does not include sufficient information, we are unable to proceed with our review until the information on the attached form is provided. The 30 day review period required by the regulations (36 CFR Part 800.4(d)(3) and Part 800.11) does not begin until adequate information to complete our review is provided.

If you need further information regarding archaeological survey please contact Kira Presler at (717) 705-0700. If you need further information concerning historic structures please consult Susan Zaehner at (717) 783-9920.

Sincerely,

Douglas C. McLearen, Chief
Division of Archaeology &
Protection

Cc: Victoria Ratson, Surface Transportation Board, Washington, DC 20423

DCM/taw

The Planning Office would again like to note again that a recent action by the PA DEP regarding another proposed landfill approximately 16 miles west of the RR LLC site should question the economic viability of RR LLC's proposal. In this recent action from July 2008 (enclosed), the PA DEP denied a landfill permit submitted by PA Waste, LLC for a proposed landfill of similar size and proposed tonnage (5,000 tons per day). The reasons for the denial involve PA Waste's inability to justify the hauling of waste from New York to their proposed facility in Clearfield County when there were at least eight (8) existing landfill facilities identified between New York and the PA Waste, LLC facility that are capable of accepting the same waste.

The PA DEP decision to deny the PA Waste should be factored into this scope of study for the EIS because a representative at the February 10, 2009 public scoping meeting stated that the waste for the proposed RR LLC facility would also be from the New York and New Jersey areas. Based on this, the Planning Office recommends that the scope be expanded and include another alternative that considers landfill locations in closer proximity to the generated waste stream.

Additional Concerns

The Planning Office would like to bring to your attention recent federal legislation entitled the *Clean Railroads Act of 2008* which should be considered as part of the EIS. This involves solid waste transfer facilities and their required compliance with state permit requirements and/ or an STB issued land use exemption (if required).

Land Use Zoning

The map submitted as part of the request for comments indicates that the rail line reactivation extends into Snow Shoe Township near Gorton and its intersection with Gorton Road. As mentioned in previous correspondence, Snow Shoe Township denied a zoning amendment requested by RR LLC in 2004. The current zoning on the property is Forest - Open Space and does not permit industrial uses and their associated activities. Although there are no specific details, it appears as though the Gorton area may also be utilized as a rail terminus point in addition to the siding area west of the Peale Tunnel where solid waste materials and/ or materials generated will be off loaded to trucks for transport to the landfill.

This activity would be deemed an industrial use in Snow Shoe Township as rail/truck terminal activity and is not permitted. Prior to any determination by the STB in regards to the EIS, this issue must be addressed.

In addition the rail terminus point as shown in Gorton is directly adjacent to existing residences along Gorton Road. The impacts from the movement of solid waste via rail and truck in this area would be detrimental to the residences.

The Planning Office again would like to thank the Board for requesting our comments on this Alternate Route Evaluation. Should you have any questions or require additional information, please let me know.

Sincerely,


Robert B. Jacobs, AICP
Planning Director

cc: Victoria Rutson, Chief, STB Section of Environmental Analysis
Centre County Board of Commissioners
Timothy T. Boyde, County Administrator
Susan B. Hannegan, Assistant Director
Snow Shoe Township Supervisors
Jodi Brennan, Clearfield County Planning Director

Seneca County Planning Attachment 6/3/09



Pennsylvania Department of Environmental Protection

208 West Third Street, Suite 101
 Williamsport, PA 17701-6448
 July 11, 2008

Northeast Regional Office

570-327-3740
 Fax 570-327-3420

PERMIT DENIAL

CERTIFIED MAIL NO. 7007 1490 0002 0636 2658

Mr. Robert A. Rovner
 PA Waste, LLC
 175 Basileton PK
 Feasterville, PA 19053

Re: Camp Hope Run Landfill Permit Application
 Permit ID# 101688
 PA Waste, LLC
 APS# 595150, Auth# 648555
 Buggs Township, Clearfield County

Dear Mr. Rovner:

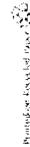
The Department of Environmental Protection (DEP) has completed its review of the subject permit application submitted by PA Waste LLC (hereinafter "PA Waste") for the proposed Camp Hope Run Landfill (hereinafter the permit application shall be referred to as "Application" or "Permit Application"). The Permit Application indicates that the proposed landfill would accept an average of 5000 tons of waste per day.

The Permit Application was received on September 25, 2006. On January 29, 2007, DEP issued an administratively incomplete letter to PA Waste. On February 8, 2008, PA Waste submitted a response to the administratively incomplete letter. This information was evaluated by DEP and the Application was deemed administratively complete on February 21, 2007.

On April 12, 2007, DEP issued a first technical deficiency letter to PA Waste. The first technical deficiency letter described deficiencies related to compliance with § 507(m) of the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101), 55 P.S. § 4000.507(a), 25 Pa. Code § 273.139 and 25 Pa. Code § 271.123(b). The first technical deficiency letter gave PA Waste 90 days from the date of receipt to respond to the technical deficiencies. On July 2, 2007, PA Waste submitted a request for an additional 90 days to respond to the first technical deficiency letter. DEP approved that request, and PA Waste's time frame to respond was extended until October 15, 2007.

An Equal Opportunity Employer

www.dep.state.pa.us



Mr. Robert Rovner

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July 11, 2008

At PA Waste's request, a meeting was held in Harrisburg on August 14, 2007, between representatives of PA Waste, its consultants and attorneys, and DEP regional and central office staff to discuss the issues raised by the first technical deficiency letter. At this meeting, there was extensive discussion of the issues raised by the first technical deficiency letter. DEP provided additional guidance to PA Waste on the information that PA Waste needed to submit in order to satisfy the threshold deficiencies described in the first technical deficiency letter. On October 15, 2007, PA Waste submitted a partial response to the first technical deficiency letter. This submission did not include a response to the issues related to compliance with Section 507(a) of Act 101, § 4000.507, 25 Pa. Code § 273.139 and 25 Pa. Code § 271.123(b) as had been requested.

In its October 2007 response, PA Waste once again asked for a 90 day extension of time to respond to the outstanding compliance issues described in the first technical deficiency letter. While DEP did not officially respond to this time extension request, PA Waste submitted a second response 90 days later dated January 14, 2008. This response attempted to address the issues not addressed in the first response.

Following review of the information submitted by PA Waste, dated October 12, 2007, and January 14, 2008, on February 25, 2008, DEP issued a second technical deficiency letter to PA Waste. The second technical deficiency letter informed PA Waste that if all required information was not provided within 60 days, then DEP intended to deny the Permit Application. On April 8, 2008, a second meeting was held at PA Waste's request involving representatives of PA Waste, its consultants and attorneys, and DEP regional and central office staff, to discuss the issues raised by DEP's April 2007 and February 2008 technical deficiency letters. Again, extensive discussions of the outstanding threshold deficiencies took place. On April 28, 2008, PA Waste submitted a response to the second technical deficiency letter. Additional information to supplement the April 28, 2008, response was submitted on May 19, 2008.

Following DEP's review of the Permit Application, including PA Waste's responses to both of DEP's technical deficiency letters, DEP has made the determination that the Permit Application does not adequately address the requirements of Section 507 of Act 101, 55 P.S. § 4000.507. As you are aware, because PA Waste's proposed facility is not included in the host county's Act 101 plan, according to Section 507(m) of Act 101, DEP shall not issue any permit for a municipal waste landfill unless PA Waste demonstrates to DEP's satisfaction that the proposed facility meets all of the requirements in Section 507(a)(2) of Act 101, 55 P.S. § 4000.507(a)(2). These requirements include a demonstration by PA Waste that the "proposed location of the facility is at least as suitable as alternative locations giving consideration to environmental and economic factors." Briefly stated, DEP interprets this statutory provision as requiring an applicant to identify the sources and quantity of waste expected to be disposed at its facility, and to identify the current disposal locations for this expected waste. The applicant must then demonstrate that its proposed landfill location is at least as suitable, environmentally and economically, as the current disposal locations for this expected waste. The applicant must also examine available alternative disposal facilities located between the source of the expected waste and the applicant's proposed facility, and demonstrate that the proposed facility is at least as suitable, environmentally and economically, as the available alternative disposal locations. Applying this

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Mr. Robert Rovner

Waste's own argument from the permit term justification analysis submitted with the April 28, 2008 response, it is highly unlikely that a landfill would charge the gate rate tipping fee for a large volume customer.

Chris Landfill – Northampton County. PA Waste states that this site is not as suitable as the proposed landfill because there is a commitment with the host municipality to serve only communities within a 60 mile radius from the site. However, PA Waste did not provide any proof evidencing the existence of this commitment. No discussion was provided regarding if this commitment extends east across the Pennsylvania/New Jersey border. In 2007, Chirn accepted over 90,000 tons of waste from New Jersey.

Alliance Landfill – Lackawanna County. PA Waste's argument that this site would not be as suitable as the proposed landfill is based on two criteria: 1) there will not be enough disposal capacity at the landfill, and 2) the price would be prohibitive. With respect to disposal capacity, while it is true that Alliance has in the last several years, accepted approximately 75% of their permitted average daily volume (ADV), the landfill still may accept approximately 500 tons per day to reach the permitted ADV. With respect to the price per ton, PA Waste has not provided the actual tipping fee for this landfill. Furthermore, as noted above, and as noted by PA Waste in the April 28, 2008 response, the actual tipping fee would likely be less for a large volume customer.

Keystone Landfill - Lackawanna County. PA Waste's argument that this site would not be as suitable as the proposed landfill is based on two criteria: 1) there will not be enough disposal capacity at the landfill, and 2) the price would be prohibitive. With respect to disposal capacity, PA Waste states that the ADV for this landfill is 3750 tons per day. PA Waste uses this figure to argue that the landfill does not have enough daily capacity beyond what it has been operating to accept an appreciable amount of the waste from Company X. This is incorrect, the ADV for this landfill is 4750 tons per day. With respect to the price per ton, PA Waste has not provided the actual tipping fee for this landfill. Furthermore, as noted above, and as noted by PA Waste in the April 28, 2008 response, the actual tipping fee would likely be less for a large volume customer.

Commonwealth Environmental Services Landfill – Schuylkill County. PA Waste's argument that this site would not be as suitable as the proposed landfill is based on the assertion that the price per ton would be cost prohibitive. While PA Waste states that the landfill charges the same price for municipal waste as for C/D waste, PA Waste has not provided any documentation to support this contention. Furthermore, the actual tipping fee would likely be less for a large volume customer. Finally, PA Waste states that the relative travel distance to the Commonwealth Environmental Services landfill from New York City versus the proposed site is relatively small and

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Mr. Robert Rovner

statutory requirement to PA Waste's submissions. DEP has determined that PA Waste's application has not demonstrated that the location of its proposed facility is at least as suitable as alternative locations for disposal of waste that the facility proposes to accept.

In its April 28, 2008 response, PA Waste focused on one company that would transport waste by truck to the proposed facility. Because of your request for confidentiality, dealt with in more detail below, at this time, the company listed will be referred to as Company X. The amount of waste PA Waste states that Company X would transport by truck to the proposed PA Waste facility is approximately 2,000 tons per day. PA Waste indicated that this waste stream would consist of only construction demolition (C/D) waste and would originate from New York City. None of the facilities currently used for disposal of waste by Company X were identified and no comparison was made between these existing facilities and PA Waste's proposed facility in terms of economic and environmental impact as required by Act 101.

Instead, PA Waste provided some general statistics regarding waste that is currently being transported from New York City to Ohio to demonstrate the suitability of the proposed landfill as opposed to trucking waste from New York to a landfill in Ohio. However, PA Waste has not provided any documentation that the waste that Company X will be bringing to the proposed facility is actually being transported to Ohio for disposal. In order to demonstrate that it would be at least as suitable to transport waste to the proposed facility as opposed to a landfill in Ohio, PA Waste has to provide evidence that the waste from Company X is actually and currently being transported to Ohio.

In the April 28, 2008 response, PA Waste provided a list of eight landfills that Company X would pass on its way by truck from New York City to the proposed facility. For each of these landfills, PA Waste has provided a short analysis and attempted to demonstrate why each site is not a suitable alternative to the proposed facility. For the following seven facilities listed below, PA Waste has failed to show that the proposed Camp Hope Run Landfill is as suitable both economically and environmentally:

1. Grand Central Landfill – Northampton County. PA Waste's argument that this site would not be as suitable as the proposed landfill is based on two criteria: 1) there will not be enough disposal capacity at the landfill, and 2) the price would be prohibitive. PA Waste assumes that if Grand Central Landfill resumes operations at near full capacity, there will not be available disposal capacity because the landfill has to serve the needs of the parent owner of the landfill, which holds contracts for a significant portion of residential waste from New York City. PA Waste appears to imply with this statement that this landfill's disposal capacity is being reserved by the owners to accept mostly New York City waste. In fact, this is not true. Since 2001, the vast waste on an annual basis this landfill has taken from New York State has been only 4.8% of the total waste amount received by the landfill. PA Waste also states that the tipping fee for waste disposal in Northeast Pennsylvania is generally in the range of \$65 per ton. They have not provided any supporting documentation to show that the tipping fee at the Grand Central Landfill would be \$65 per ton. In addition, using PA

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Mr. Robert Rovner

July 11, 2008

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Mr. Robert Rovner

In PA Waste's submissions to DEP, PA Waste requested that certain information be kept confidential as confidential business information ("CBI"). In PA Waste's October 12, 2007 submission, PA Waste states that "[i]ts financial information was prepared pursuant to discussions with the Department's Central Office staff during a meeting held on August 14, 2007, at the Rachel Carson Building. PA Waste has intentionally marked this material as 'Confidential' and the Department is requested to designate, maintain and prevent disclosure of this information as Confidential Business Information, pursuant to the requirement of 25 Pa. Code § 271.5."

In its January 14, 2008 correspondence, with regard to certain information, PA Waste again requested that certain information be kept confidential as CBI. In this submission, PA Waste states that "[a]t this stage, the customer list for the Camp Hope Run Landfill is, and necessarily must be, treated as confidential and proprietary business information. As such, PA Waste intentionally separately packaged and marked this material as 'Confidential' and the Department is requested to designate, maintain and prevent disclosure of this information as Confidential Business Information, pursuant to the requirement of 25 Pa. Code § 271.5." The CBI supplement also states that "[i]ts information identifies the anticipated sources of various waste streams to the facility, and at this stage, this customer list for the Camp Hope Run Landfill is, and necessarily must be, treated as confidential and proprietary business information." The Department is again requested to designate the information as confidential.

Similarly, in the April 28, 2008 letter, PA Waste requests that CBI be kept confidential and states that "PA Waste has intentionally marked this material as 'Confidential' and the Department is requested to designate, maintain and prevent disclosure of this information as Confidential Business Information, pursuant to the requirement of 25 Pa. Code § 271.5." In this letter, PA Waste further states in part, that "PA Waste's confidential and proprietary pro forma and economic analyses and related financial information, as well as anything relating to or which might be used by a competitor to reveal the intended customer list for this landfill is and must be retained as confidential, as the disclosure of this information by the Department would directly and adversely affect the competitive business position of PA Waste."

In DEP's correspondence dated February 25, 2008, DEP with regard to keeping information confidential, DEP noted that 25 Pa. Code § 271.5(b) requires that "...the person or municipality providing the information demonstrates [that] the information contains trade secrets, processes, operations, style of work or apparatus of a person or municipality or is otherwise confidential business information..." PA Waste was advised that the request was not fulfilled as it did not give any reason as to why the material should be kept confidential. PA Waste has presumed that because it wants the information to be kept confidential, then DEP should honor the request. PA Waste has submitted many pages without providing specificity as to why they should all be kept confidential. Some of the documents are public (i.e., the Millin, Bucks, and Delaware County Municipal Waste Management Plans; the Comprehensive Waste Management Plan from New York City; and a part of the Commercial Waste Management Study prepared for the New York City Department of Sanitation). The burden is on DEP to wade through these various submissions and designate which are confidential. Rather, it is on the Permit Applicant to demonstrate, as set forth in 25 Pa. Code § 271.5(b) which documents should be kept confidential.

more than justifies the transport of waste to the proposed site at the lower rate. PA Waste did not provide the actual difference in travel distance, and has not provided an economic analysis that supports this statement. In fact, the distance to CES from New York City is approximately 160 miles, whereas the distance from New York City to Boggs Township, the proposed location of PA Waste's facility, is approximately 260 miles. Aside from the environmental impact associated with trucking waste for an additional 100 miles each way, the cost of fuel alone raises issues concerning the economic viability of trucking waste to Boggs Township in lieu of CES.

6. Wayne Township Landfill - Clinton County: PA Waste's argument that this site would not be as suitable as the proposed landfill is based on the fact that this landfill has not recently taken waste from New York. The fact that Wayne Township Landfill has not recently taken waste from New York does not mean that the operator of the landfill would not accept New York waste in the future. PA Waste did not provide any information confirming that it is Wayne Township Landfill's policy not to accept waste from New York.

7. Lycoming County Landfill - Lycoming County: PA Waste's argument that this site would not be as suitable as the proposed landfill is based on their assertion that there is still not enough disposal capacity at the landfill to accept any appreciable volume of the Customer X's waste. Lycoming County Landfill has an ADY of 1600 tons per day. Waste acceptance records for this landfill indicate the actual daily tonnage accepted over the last several years is over 400 tons per day less than their permitted volume.

The May 19, 2008, supplement to the April 28, 2008, response by PA Waste included a letter from another company (hereinafter referred to as "Company Y"). No environmental or economic analysis of why the proposed site would be as suitable than landfills currently being used by Company Y has been provided. PA Waste has not demonstrated that the proposed landfill would be at least as suitable both environmentally and economically than those currently being used by Company Y.

Finally, as a general matter, PA Waste has not demonstrated how redirecting the expected waste to PA Waste's proposed facility will not contribute to an increase in pollution to the environment. The application also does not demonstrate how redirecting the expected waste from New York City to PA Waste's proposed facility will be more cost-efficient.

Based on the above remaining deficiencies, DEP has determined that PA Waste, LLC has not adequately addressed the questions of site suitability and other requirements of Act 101. PA Waste has had 330 days to prepare a response to these issues pertaining to Act 101. DEP is terminating the review of the application and is hereby denying the application.

July 11, 2008

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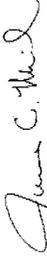
Mr. Robert Rovner

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST REACH THE BOARD WITHIN 30 DAYS. YOU DO NOT NEED A LAWYER TO FILE AN APPEAL WITH THE BOARD.

IMPORTANT LEGAL RIGHTS ARE AT STAKE, HOWEVER, SO YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD (717-787-3483) FOR MORE INFORMATION.

If you have any questions concerning this letter or requirements of the Solid Waste Management Act, please contact me at 530-327-3740.

Sincerely,



James E. Miller
Environmental Program Manager
Waste Management

cc: Nels Fisher (Regional Counsel)
Ken Reisinger (Bureau of Waste Management)
Beggs Township Supervisors - Certified Mail No. 7007 1499 0002 0636 2665
Clearfield County Commissioners - Certified Mail No. 7007 1499 0002 0636 2672
Field
File

July 11, 2008

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Mr. Robert Rovner

As noted above, PA Waste's requests to mark information as CBI are made in a conclusory fashion without providing a substantive basis for the request. For example, PA Waste has requested that the customer lists be afforded trade secret status. Under Pennsylvania law, they generally are. *Pavco, Inc. v. Associated Products, Inc.*, 880 A.2d 790, 706-707 (PA Super, 2005). However, "[f]or customer information to be protectable it must be a *particular secret of the business*..." (Emphasis in the original). (Citation omitted). Courts have denied protection to customer lists which are easily generated from trade journals, ordinary telephone listings or an employee's general knowledge of who, in an established industry, is a potential customer of a given product." (Citation omitted). *Id.* at 707. While the lists may in fact be confidential business information, PA Waste has not demonstrated how.

In its April 28, 2008 correspondence to the Department, PA Waste cites *Horseshoe Resource Development Company, Inc. v. DEP*, 1087 E.H.B. 1998, where the Environmental Hearing Board ("Board") determined that certain information was confidential. However, while the Board noted that the appellant in that case had requested certain testimony to be deemed confidential, the request was granted only after the appellant had submitted a more limited statement of specific items to be sealed. *Id.* at 1091. The Board had noted that much of the testimony, deemed by the Appellant to be confidential during closed sessions of a supersedeas hearing, was actually so general in nature that it would not qualify as confidential business information. *Id.* at 1089. Unlike the request for confidentiality that is presented here, a review of what was found to be entitled to protection in the *Horseshoe Resource Development Company, Inc. v. DEP* matter shows a very specific list of items. *Id.* at 1094-95.

In its April 28, 2008 correspondence, PA Waste requested that if DEP makes a determination contrary to PA Waste's request for confidential treatment of the information submitted to it, that PA Waste be addressed in writing to allow PA Waste time to "pursue judicial interpretation or the applicability of 25 Pa. Code § 271.5 to the information PA Waste had designated..." as confidential. DEP will wait to place these documents in the public file for 30 days from the date that PA Waste receives this letter.

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 55 P.S. Section 7514, and the Administrative Agency Law, 2 P.A.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800-654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

EE-1777

LAW OFFICES
BALLARD SPAHR ANDREWS & INGERSOLL, LLP
 1735 MARKET STREET, 31ST FLOOR
 PHILADELPHIA, PA 19103-7599
 215-566-6500
 FAX 215-566-6599
 WWW.BALLARDSPAHN.COM

ATLANTA, GA
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 LOS ANGELES, CA
 PHILADELPHIA, PA
 PHOENIX, AZ
 SALT LAKE CITY, UT
 WASHINGTON, DC
 WASHINGTON, DC

ROBERT B. MCKINSTRY, JR.
 DIRECTOR, (215) 864-8038
 PERSONAL FAX (215) 864-9793
 E-MAIL: RMCKINSTRY@BALLARDSPAHN.COM

June 5, 2009

Victoria J. Rutson, Chief
 Section of Environmental Analysis
 Surface Transportation Board
 395 E. Street, S.W.
 Suite 1100
 Washington, DC 20423-0001

Rc: STB Finance Docket No. 35116
 R.J. Corman Railroad Company/Pennsylvania Lines, Inc.
Construction and Operation Exemption -- Clearfield County, PA

Dear Ms. Rutson:

We are writing on behalf of People Protecting Communities ("PPC") in response to the April 28, 2009, letter from Ronald Lane on behalf of R.J. Corman Railway Co. ("Petitioner" or "Corman") contending that the proposed RRLC Landfill project near Gorton, Pennsylvania, should not be treated as a connected action.

The position Corman advocates ignores the *factual* reality that the railroad and the proposed landfill are a single, connected action. Without the landfill, there will be no railroad and the Board should not conclude that the eleventh hour discovery of additional, alleged customers somehow renders the two actions unconnected. The railroad was first proposed as a possible alternative means to provide access to the landfill on April 19, 2004 (Attachment 1),¹ at

¹ Exhibit 1 (excerpt) PPC EIS Scoping Comments (Feb 24, 2008)(sic). The exhibits were labeled with an incorrect year. The date was actually, 2009.

DMEAST #1145949.v2

Victoria J. Rutson, Chief
 June 5, 2009
 Page 2

which time the landfill hoped to obtain approval for the construction of a new interstate exit as the primary access to the landfill. The railroad was presented as part of the Resource Recovery, LLC Tewar Landfill and Industrial Park, Master Plan, Draft dated July 23, 2004, as follows:

The Railroad Access Project

Resource Recovery LLC, in cooperation with local rail service providers, will replace the rail service to the site that was utilized during coal mining operations several years ago, and abandoned when that mining concluded. The rail will provide a means for the delivery of waste to the site, delivery of raw materials to the industrial park, and the export of manufactured products from the site.

Id. at p. 5. At this time, the primary access to the landfill project was to be provided by a proposed interstate interchange. In fact, it was only on May 20, 2008, four years later, when it became clear that the interstate exit would not receive the necessary approvals due to determinations that the interchange and landfill industrial park project would be inconsistent with regional transportation and land use plans,² that Corman submitted its application for this rail line.

Corman's position lacks logic. Corman concedes that it will need to consider the impacts of the landfill, which is a reasonably foreseeable impact of building the rail line. The decision in *Mid States Coalition for Progress v. Surface Transportation Board*, 345 F.3d 520 (8th Cir. 2003) is on point in that regard. There, the Eighth Circuit vacated the Surface Transportation Board's approval of construction of a rail line to serve western coal mines because of the Surface Transportation Board's (STB) failure to consider the reasonably foreseeable impacts of increased coal consumption in the east that would result from construction of the railroad. Here, likewise, the impacts of the landfill are direct results of the construction of the rail line, which will provide access to the landfill. Among the impacts of the landfill will be the destruction of or adverse effects upon wetlands within the jurisdiction of the Army Corps of Engineers ("Corps") and requiring a permit from the Corps under section 404 of the Clean Water Act, 33 U.S.C. §1344. See Attachments 2, 3, and 4. The relevant federal and

² As noted above, the original proposed project included the rail spur and the railroad now proposed by Corman.

³ Specifically on July 19, 2005, the Centre County Planning Office conducted a consistency review of the I-80 Point of Access Study ("POA") at the request of Federal Highway Administration and recommended that the Centre County Planning Commission find that the landfill/industrial park/I-80 interchange is inconsistent with the Centre County Comprehensive Plan. This determination was upheld by the Centre County Planning Commission in August 2005. The Planning Commission's action was upheld by a unanimous vote of the Centre County Board of Commissioners September 2005.

DMEAST #1145949.v2

Victoria J. Rutson, Chief
June 5, 2009
Page 4

the refinery project may proceed on private land without the title transfer, and (iii) the title transfer and refinery are not interdependent parts of a larger action. *See* Petitioner's letter (citing *Quechan*, 547 F. Supp. 2d at 1043). Here, there would be no railroad without the landfill and no landfill without the railroad and the railroad was originally proposed as part of the landfill project.

Similarly, in the *Southwest Gulf* decision, also cited by Petitioners, one of the critical factors to the Board's decision that the quarry and rail line were not connected actions was that the quarry could be developed regardless of the Board's decision on the proposed rail line. *See Southwest Gulf Railroad - Construction and Operation Exemption - In Medina County, TX*, Finance Docket No. 34284, Decision served December 18, 2008. Here, regardless of whether the Board has any statutory authority over the construction or operation of the landfill, the facts of the matter are that (1) the landfill cannot proceed without the Board's approval of the rail line and an additional federal approval by the Army Corps of Engineers and (2) the rail line cannot proceed without the landfill as its customer and a source of its financing.

Petitioners' claim that the landfill can proceed without reactivation of the rail line does not reflect reality. There is no adequate access to the site of the proposed landfill and industrial park without either the railroad or the new interchange. Access would be through Snow Shoe Township and the uses and transportation are inconsistent with the Snow Shoe Township Zoning. The current access roads are dirt roads and Snow Shoe will not permit modification of the roads to service an inconsistent use. The landfill proposal was originally premised on obtaining approval from the United States and Pennsylvania Departments of Transportation for the construction of a new exit from Interstate I-80. Because that authorization cannot be given due to inconsistent land use, the landfill cannot proceed without rail access.

Similarly, the rail line will not be developed without the landfill. Corman's May 19, 2008, Petition for Exemption of R.J. Corman Railroad Company/Pennsylvania Lines Inc. states that RRELCC will pay the majority of the costs of construction of the railroad construction and reconstruction. *See* Attachment 7 at 6. It is safe to infer from this that, if the landfill is not developed, the financing for the railroad reconstruction will disappear. The mere fact that Corman is now identifying other potential customers who may (or may not) use the railroad if it is built is irrelevant.

In fact, it appears that many of businesses that have suddenly come out of the woodwork to claim they will use the rail line are either illusory or hypothetical. Even if these are developed and receive permits, it further appears that even collectively they would not produce sufficient business to support a rail line without the landfill. This is reflected in the letter to you from Mr. Kenneth L. Hall (Attachment 8), who bases his conclusions on his long involvement in the coal, oil and gas business in the area. His letter addresses each of the proposed businesses and demonstrates through additional evidence that they could not support the railroad and are either hypothetical or unlikely.

D:\EAST #11459949 V2

Victoria J. Rutson, Chief
June 5, 2009
Page 3

state agencies have already determined that this will require consideration of alternatives to the landfill, including the no action alternative.

This situation, where multiple federal approvals will be required for actions that are interrelated, is the quintessential situation where the actions should be treated as connected and alternatives to the interrelated actions will need to be considered in conjunction with one another. Indeed, by letter dated November 5, 2005, the United States Fish and Wildlife Service ("USFWS") recommended to a representative of the landfill owner, Resource Recovery LLC ("RRELCC"), that all phases of the project, landfill, industrial park, rail spur, interchange, landfill expansion be treated as a single and complete project for agency review. *See* Attachment 5. The Department of Transportation, through the Federal Highway Administration ("FHWA") appears to have agreed with that recommendation and to have determined that impacts of the landfill including wetlands impacts and landfill alternatives would be considered in connection with the application for an interstate interchange. By letter dated January 19, 2007, FHWA indicated that the Corps would likely be the lead agency in the National Environmental Policy Act ("NEPA") process for both the landfill and the interchange. *See* Attachment 6. Thus, it appears that the Department of Transportation determined that the interchange and the landfill should be treated as a connected action. An identical conclusion is warranted with respect to the alternative rail access. For these reasons, and the reasons cited in PPC's February 23, 2009 letter, the landfill and the railroad are part of a single connected action and should be considered as such in the NEPA process.

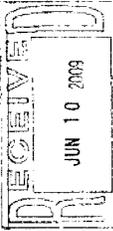
The cases cited by Corman are entirely distinguishable from the present case. The first case cited by Corman, *Department of Transp. v. Public Citizen*, 541 U.S. 752 (2004), does not govern the scope of the "alternatives" analysis, as Corman contends. It concerns a matter not in dispute here - whether a "major federal action" had occurred sufficient to require preparation of an environmental impact statement.

The facts in the second case, *Quechan Indian Tribe of the Fort Yuma Indian Reservation v. U.S. Dept. of Interior*, 547 F. Supp. 2d 1033, 1043 (D. Ariz. 2008), are also easily distinguishable. The inquiry there was whether a proposed oil refinery was directly or indirectly caused by a title transfer of a federal reclamation project to a municipal irrigation district, such that the Bureau of Reclamation ("BOR") was required to take into consideration the effects of the refinery in its environmental impact statement regarding the title transfer. The court found that there was no causal connection between the title transfer and a third party proposal to locate an oil refinery on the transferred lands. Here, the proposed landfill is anything but a "third party proposal" with no causal connection to the rail line reactivation. More importantly, however, the court in *Quechan* did not end its inquiry there and went on to determine that the title transfer and the refinery were not "connected actions." In doing so the court looked to the governing CEQ regulations, not to *Public Citizen*, as Petitioners would have us believe. The decision that the title transfer and refinery were not "connected actions" had nothing to do with BOR's statutory authority, or lack thereof, over the refinery. As Petitioner's acknowledge in their letter, the court decided that the title transfer and the refinery were not "connected actions" because of three specific factors: (i) the title transfer did not automatically trigger the refinery project, (ii)

D:\EAST #11459949 V2



Pennsylvania Department of Conservation and Natural Resources



June 8, 2009

Bureau of Forestry

Sandra Baschore
Stelly and Loy, Inc.
449 Eisenhower Boulevard, Suite 300
Harrisburg, PA 17111

Pennsylvania Natural Diversity Inventory Review, PNDI Number 02D163
RJ Corran Railroad Co., Beech Creek Branch Line
Clearfield and Centre Counties

Dean Ms. Baschore,

This responds to your request about a Pennsylvania Natural Diversity Inventory (PNDI) ER Tool "Potential Impact" or species of special concern impact review. We screened this project for potential impacts to species and resources of special concern under Department of Conservation and Natural Resources' responsibility, which includes plants, natural communities, terrestrial invertebrates and geologic features only.

POTENTIAL IMPACT ANTICIPATED
Based on our PNDI map review we determined potential impacts to species and/or resources of special concern. Therefore, further coordination with this office is necessary to avoid potential impacts to the above listed resources

SURVEY
A survey for the following species should be conducted by a qualified botanist. The survey should be performed at the appropriate time of year.

Please see attached sheet.
If the land type(s) does not exist on site, a survey may not be necessary. If the land type listed above is not on site, please submit a habitat assessment report which describes why a survey may not be necessary including the current land cover, habitat types and species found on site. If the habitat is present, please have the botanist fill out the field survey form while performing their survey.

Comments: Please survey the alternative route (Phillipsburg-Munson) for the species listed on the attached sheet. Additionally, please address the concerns from Rebecca Howett's 12/2/08 letter (also attached) for the previous survey conducted in 2008 for the previous rail line proposal (project 19648).

CONSERVATION MEASURES - VOLUNTARY ACTION
The following species is not currently proposed for state listing and therefore, is not a target species for a survey. However, because of its ecological significance, a survey is suggested to identify and avoid potential impacts to this species.

Sedalia borealis (Mountain Starwort) Proposed PA Tentatively Undetermined: springy wooded slopes, sphagnum swamps and streams; flowering time: May-August

This response represents the most up-to-date summary of the PNDI data files and is geared for use D.J.500 from the date of this letter. An absence of recorded information does not necessarily imply actual conditions on-site. A field survey of any site may reveal previously unreported populations. Should project plans change or additional information on listed or proposed species become available, this determination may be reconsidered.

To complete your review of state and federally listed species of special concern (those NOT under DCNR's responsibility), please be sure the US Fish and Wildlife Service, the PA Game Commission and the Fish and Boat Commission have been contacted regarding this project either directly or by performing a search with the online PNDI ER Tool found at www.pnridb.pdnr.state.pa.us

Andrew Koblough for Chris Eresstone, Wild Plant Program Manager
DCNR/BOE/PNDI, PO Box 8552, Harrisburg, PA 17109 - Ph: 717-708-2823 - F: 717-772-0271 - cahoblough@state.pa.us

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Victoria J. Rutson, Chief
June 5, 2009
Page 5

Thus, the facts all lead to the conclusion that the proposed rail line is an independent part of the larger action including the landfill and depends on the landfill for its justification. They should be considered connected actions in the NEPA review.

Very truly yours,

Robert B. McKinstry, Jr.

RBM/sis
Enclosures

- cc: JoAnn Gillette
Ronald A. Lane, Esquire
Jeffrey D. Lapp, U.S.E.P.A., Region III
Jennifer Kagei, U.S. Fish & Wildlife Service
Michael Dombroskie, U.S. Army Corps of Engineers
Jonathan P. Crum, Federal Highway Commission
Robert P. Jacobs, Director, Centre County Planning and Community Dev. Office
Dannelle Gossett
Ms. Nancy Sutley, Chair Council on Environmental Quality

PNDI 19648 12-02-08



Pennsylvania Department of Conservation and Natural Resources

Bureau of Forestry

December 2, 2008

Ms. Sandy Baschore
Skelly & Loy, Inc.
2601 North Front St.
Harrisburg, PA 17110

Pennsylvania Natural Diversity Inventory Review, PNDI Number 19648
RI Corman Railroad Co., Proposed Beech Creek Branch Line Construction and Operation
between Wallacetown & Garton PA (Finance Docket No. 35116)
Clearfield & Centre Counties

Dear Ms. Baschore,

This responds to your request about a Pennsylvania Natural Diversity Inventory (PNDI) ER 100 "Potential Impact" or a species of special concern impact review. We screened this project for potential impacts to species and resources of special concern under the Department of Conservation and Natural Resources' responsibility, which includes plants, natural communities, terrestrial invertebrates and geologic features only.

Our office received this project in April of 2008 and responded in June providing information on species known to be found in the vicinity including *Sparganium angustifolium*, *Prunus alleghaniensis*, *Polygonum careyi*, *Scilla maritima*, *Gaithera hispida* and *Lonicera villosa*. A survey was performed by Skelly & Loy for the species listed above on July 16 and September 24, 2008. The results of this survey were received in our office November 12, 2008.

The following summarizes DCNR's understanding of the outcome of the investigations, as well as our concerns. Also, the survey information did not include the botanical field survey forms for each species and maps showing areas surveyed. Please submit these forms (<http://www.naturalheritage.state.pa.us/landnet/FieldSurveyForm.pdf>, remainder one species per form) and maps to our office for the follow-up surveys, as well as the previous surveys.

***Sparganium angustifolium* (Blanching Burdock)**

Potential habitat was surveyed, including wetlands, swales and streams. Wetland 012 was found to have a specimen of *Sparganium* present, however it was not possible to identify to the species level. In the survey report, Skelly & Loy recommended that this wetland be revisited next field season to confirm the identity of the species. Some disturbance is planned to this species' habitat. Please verify the identity of this *Sparganium* specimen to the species level. Please include botanical field survey forms, maps showing areas surveyed for this species and photos of diagnostic characteristics.

***Prunus alleghaniensis* (Allegheny Plum)**

Potential habitat was identified in the project right of way, however no individuals of *Prunus alleghaniensis* were found. No impact anticipated to *Prunus alleghaniensis*, pending receipt of botanical survey form and map showing area surveyed for this species.

***Polygonum careyi* (Pinkweed)**

A few *Polygonum* species were found associated with wetlands and stream edges, but were not identified to species level. However, *Polygonum careyi* is a FACW species, and may potentially be in this type of habitat. Please confirm the identity of the *Polygonum* specimens to the species level. Please include botanical field survey forms, maps showing areas surveyed for this species and photos of diagnostic characteristics.

PNDI # 20163

Please conduct a survey for the following species during an appropriate time of year:

Scientific Name	Common Name	Current Status	Proposed Status	Habitat	Flowering Time
<i>Sparganium angustifolium</i>	Branching Bur-dock	PA Endangered	PA Endangered	wet meadows, swales, stream banks and shallow water	fruit July-Sept
<i>Prunus alleghaniensis</i>	Alleghany Plum	Not Protected	Threatened	rocky bluffs, shale barrens, roadsides and floodplains	flower April-early June, frt. Aug.
<i>Polygonum careyi</i>	Pinkweed, Carey's smartweed	PA Endangered	PA Endangered	sandy, open woodlands and disturbed places,	summer and early fall
<i>Gaithera hispida</i>	Creeping Snowberry	PA Rare	PA Rare	particularly after fire, wet woods and bogs	lower June, frt. Sept.
<i>Lonicera villosa</i>	Mountain fly honeysuckle	PA Endangered	PA Endangered	swamps and wet thickets	flowers May, frt. July

Art. 6(a), 08Pa.Rts.Ch. 47-600.001

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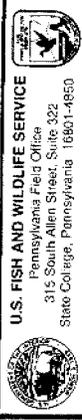
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SKB



SURFACE TRANSPORTATION BOARD
 Washington, DC 20423

Office of Economics, Environmental Affairs



U.S. FISH AND WILDLIFE SERVICE
 Pennsylvania Field Office
 315 South Allen Street, Suite 322
 State College, Pennsylvania 16801-4650

No federally listed species under our jurisdiction is known or likely to occur in the project area. This determination is valid for two years. Should project plans change, or if additional information on listed species become available, this determination may be reconsidered.

Mr. David Densmore
 U.S. Fish and Wildlife Service
 315 South Allen Street, Suite 322
 State College, PA 16801

Re: Finance Docket No. 35116, RJ Corman Railroad Co., Beech Creek Branch Line - Construction and Operation - Between Wallacetown and Gorton, Pennsylvania; Alternative Route Evaluation

Dear Mr. Densmore:

I am writing to let you know about a new alternative that has been developed as a result of the public scoping process for the Environmental Impact Statement (EIS) in the above-mentioned case. Below, I summarize the railroad's proposal, the agency's environmental review process, and information we have about the new alternative. Finally, I ask for your help in identifying potential environmental impacts associated with this new alternative.

Railroad's Proposal

On May 20, 2008, R.J. Corman Railroad Company/Pennsylvania Lines Inc. (RJCP), filed a petition with the Surface Transportation Board (Board) pursuant to 49 U.S.C. 10502 for authority to reconstruct and operate an abandoned 10.8-mile rail line between Wallacetown Junction and Wimburne in Clearfield County, Pennsylvania, and to rebuild the track on a connecting 9.3 miles of currently rail-banked line between Wimburne and Gorton in Clearfield and Centre Counties, Pennsylvania. In total, 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.

Should this rail line construction and operation proposal be approved by the Board, RJCP would be able to provide rail transportation service to and from the proposed quarry, landfill and industrial park. RJCP anticipates that the line would handle approximately 17,000 carloads annually, or one round trip per day at approximately 55 carloads per trip, six days per week.

Board's Environmental Review Process

Pursuant to the National Environmental Policy Act (NEPA) and the Board's environmental rules, the Board's Section of Environmental Analysis (SEA) will prepare an EIS



PNDI 19648 1202J08
Pennsylvania Department of Conservation and Natural Resources

Nellieia borealis (Mountain Starwort)
 A few areas of potential habitat were found in project area, however, no Mountain starwort plants were found in any of those areas. No impact anticipated to *Nellieia borealis*, pending receipt of botanical survey form and map showing area surveyed for this species.

Gaultheria hispida (Creeping Snowberry)
 A few areas of potential habitat were found in project area, however, no Creeping Snowberry plants were found in any of those areas. No impact anticipated to *Gaultheria hispida*, pending receipt of botanical survey form and map showing area surveyed for this species.

Lonicera villosa (Mountain Fly HoneySuckle)
 A few areas of marginal habitat were found in project area, however, no Mountain fly honeysuckle plants were found in any of those areas. No impact anticipated to *Lonicera villosa*, pending receipt of botanical survey form and map showing area surveyed for this species.

Our office will complete the environmental review for this project upon receipt of the requested information.

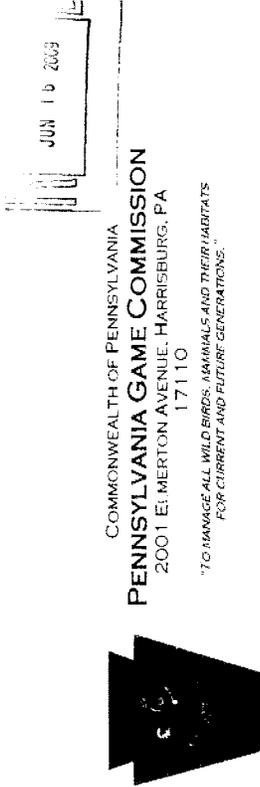
This response represents the most up-to-date summary of the PNDI data files and is good for one (1) year from the date of this letter. An absence of recorded information does not necessarily imply actual conditions on-site. A field survey of any site may reveal previously unreported populations. Should project plans change or additional information on listed or proposed species become available, this determination may be reconsidered.

This finding applies to impacts to plants, natural communities, terrestrial invertebrates and ecologic features only. To complete your review of state and federally-listed species of special concern, please be sure the U.S. Fish and Wildlife Service, the PA Game Commission and the Fish and Boat Commission has been contacted regarding this project either directly or by performing a search with the online PNDI ER Tool found at www.naturalheritage.state.pa.us.

Thank you,

Rebecca H. Bowen
 DCNR/BO/PNDI, PO Box 8552, Harrisburg, PA 17105 - Ph: 717-772-0258 - F: 717-772-0271 - rbowen@state.pa.us

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This finding applies to impacts to birds and mammals only. To complete your review of state and federally-listed threatened and endangered species and species of special concern, please be sure that the U.S. Fish and Wildlife Service, the PA Department of Conservation and Natural Resources, and/or the PA Fish and Boat Commission have been contacted regarding this project as directed by the online PNDI ER Tool found at www.naturalheritage.state.pa.us.

Sincerely,

 James R. Leigey
 Wildlife Impact Review Coordinator
 Division of Environmental Planning
 And Habitat Protection
 Bureau of Wildlife Habitat Management
 Phone: 717-787-4250, Extension 3128
 Fax: 717-787-6957
 E-Mail: jleigey@state.pa.us

June 10, 2009
PNDI Large Project
 Ms. Sandra Baschore
 Skelly and Loy, Inc.
 449 Eisenhower Boulevard, Suite 300
 Harrisburg, PA 17111
 PNDI Large Project
 Finance Docket No. 35116, RJ Corman Railroad County, Beech Creek Branch Line
 Construction and Operation - Between Wallacetown and Gorton, PA.
 Alternative Route Evaluation
 Clearfield and Centre Counties, PA

Dear Ms. Baschore:
 Thank you for submitting the Pennsylvania Natural Diversity Inventory (PNDI) Large Project Environmental Review form for review. The Pennsylvania Game Commission (PGC) screened this project for potential impacts to species and resources of concern under PGC responsibility, which includes birds and mammals only.

No Impact Anticipated
 PNDI records indicate that no known occurrences of species or resources of concern under PGC jurisdiction occur in the vicinity of the project. Therefore, the above-referenced project is not expected to impact any birds or mammals of concern, and no further coordination with the PGC is necessary for this project at this time.

This response represents the most up-to-date summary of the PNDI data files and is valid for one (1) year from the date of this letter. An absence of recorded information does not necessarily imply actual conditions on site. Should project plans change or additional information on listed or proposed species become available, this determination may be reconsidered.

Should the proposed work continue beyond the period covered by this letter, please resubmit the project to this agency as an "Update" (including an updated PNDI receipt, project narrative and accurate map). If the proposed work has not changed and no additional information concerning listed species is found, the project will be cleared for PNDI requirements under this agency for an additional year.

A PNHHP Partner



Cc: File

People: 717-232-0533
800-892-6532
Fax: 717-232-1799



449 Eisenhower Boulevard, Suite 300
Harrisburg, PA 17111-2302
E-mail: skellyloy@skellyloy.com
Internet: www.skellyloy.com

May 29, 2009

Mr. Douglas C. McLearen
Bureau for Historic Preservation
Commonwealth Keystone Building, Second Floor
400 North Street
Harrisburg, Pennsylvania 17120-0093

Re: Beech Creek Railroad Reactivation
Project, Morris Township, Clearfield
County, Pennsylvania

Dear Mr. McLearen:

Skelly and Loy, Inc. is pleased to provide a copy of the Pennsylvania Historic Resource Survey form for the Philipsburg Branch of the New York Central Railroad for the referenced project.

No archaeological survey is anticipated for this project. The existing rail bed remains intact. The reactivation project will place rails back on the existing rail bed. The culvert and a bridge remain intact and, according to a recent inspection, are able to carry the anticipated loads with only minor repairs. No construction is anticipated outside of the existing cut-and-fill of the existing rail bed. Other remains, such as signal tower foundations, siding beds, and coal mine facilities, lie outside of the anticipated limits of disturbance. As a result, Skelly and Loy does not recommend an archaeological survey.

Please contact me at the above number if you have any questions.

Sincerely yours,

SKELLY and LOY, Inc.

Douglas Dinsmore, Ph.D.
Cultural Resource Specialist

Enclosure
cc: Danielle Gosselein, Surface Transportation Board
Jackie Melander, Centre County Historical Society
Kevin Steimer

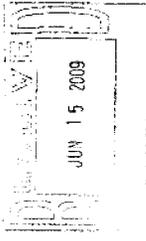
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Office Locations: Pittsburgh, PA Morgantown, WV State College, PA Hagerstown, MD

Pennsylvania Fish & Boat Commission

Division of Environmental Services
Natural Diversity Section
450 Robinson Lane
Belleville, PA 16823-9629
(814) 356-5239 Fax: (814) 359-5173

June 11, 2009



IN REPLY REFER TO
SIR # 31701

SANDRA BASEHORE
SKELLY AND LOY
449 EISENHOWER BOULEVARD, SUITE 300
HARRISBURG, PA 17111

RE: Species Impact Review (SIR) - Rare, Candidate, Threatened and Endangered Species
FINANCE DOCKET NO. 15116, R.J. CORMAN RAILROAD CO., BEECH CREEK BRANCH LINE -
CONSTRUCTION AND OPERATION - BETWEEN WALLACETON AND GORTON, PA;
ALTERNATIVE ROUTE EVALUATION
CLEARFIELD, CENTRE Counties, Pennsylvania

This responds to your inquiry about a Pennsylvania Natural Diversity Inventory (PNDI) Internet Database search "potential conflict" or a threatened and endangered species impact review. These projects are screened for potential conflicts with rare, candidate, threatened or endangered species under Pennsylvania Fish & Boat Commission jurisdiction (fish, reptiles, amphibians, aquatic invertebrates only) using the Pennsylvania Natural Diversity Inventory (PNDI) database and our own files. These species of special concern are listed under the Endangered Species Act of 1973, the Wild Resource Conservation Act, and the Pennsylvania Fish & Boat Code (Chapter 75), or the Wildlife Code. The absence of "recorded information from our files does not necessarily imply actual conditions on site. Future field investigations could alter this determination. The information contained in our files is routinely updated. A Species Impact Review is valid for one year only.

X NO ADVERSE IMPACTS EXPECTED FROM THE PROPOSED PROJECT

Except for occasional transient species, rare, candidate, threatened or endangered species under our jurisdiction are not known to exist in the vicinity of the project area. Therefore, no biological assessment or further consultation regarding rare species is needed with the Commission. Should project plans change, or if additional information on listed or proposed species becomes available, this determination may be reconsidered.

An element occurrence of a rare, candidate, threatened, or endangered species under our jurisdiction is known from the vicinity of the proposed project. However, given the nature of the proposed project, the immediate location, or the current status of the nearby element occurrence(s), no adverse impacts are expected to the species of special concern.

If you have any questions regarding this review, please contact the biologist indicated below:
Doug Fischer 814-359-5195 Jim Chasney 814-359-5239
Nevin Wette 814-359-5234 Bob Morgan 814-359-5129

I am enclosing a copy of our "SIR Request Form", which is to be used for all future species impact review requests. Please make copies of the attached form and use with all future project reviews. Thank you in advance for your cooperation and attention to this important matter of species cooperation and habitat protection.

SIGNATURE: *Douglas Dinsmore* DATE: June 11, 2009
Christopher A. Urban
Chief, Natural Diversity Section

Our Mission: www.fish.state.pa.us

To protect, conserve and enhance the Commonwealth's aquatic resources and provide fishing and boating opportunities.



Commonwealth of Pennsylvania
Pennsylvania Historical and Museum Commission
Bureau for Historic Preservation
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120-0093
www.phmc.state.pa.us

Dr. Douglas Dinsmore
Skelly & Toy
449 Eisenhower Blvd., Suite 300
Harrisburg, PA 17111-2302

Re: ER 09-1553-033-A
STB: Beech Creek Reactivation Project
Morris Township, Clearfield County

Dear Dr. Dinsmore:

The Bureau for Historic Preservation (the State Historic Preservation Office) has reviewed the above named project in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended in 1980 and 1992, and the regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation as revised in 1999 and 2004. These regulations require consideration of the project's potential effect upon both historic and archaeological resources.

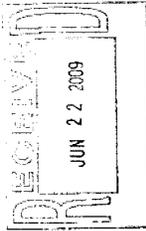
There is a high probability that archaeological resources are located in this project area. In our opinion, the activity described in your proposal should have no effect on such resources. Should the scope of the project be amended to include additional ground disturbing activity, this office should be contacted immediately and a Phase I Archaeological Survey may be necessary to locate all potentially significant archaeological resources.

We concur with the findings of the agency that the following property is not eligible for the National Register of Historic Places. It is not historically or architecturally significant.

New York Central Railroad: Phillipsburg Branch

Therefore, based on the available information, there are no National Register eligible or listed historic buildings, structures, districts, or objects in the area of this proposed project

OFFICE OF THE
Pennsylvania Historical & Museum Commission
Edward R. Beall, Governor | Wade R. Martin, Jr., Chief of Staff | Robert A. Jones, Executive Director



Page 2
D. Dinsmore
June 18, 2009

If you need further information regarding archaeological resources, please contact Kira Presler at (717) 705-0700. If you need further information concerning historic structures, please contact Susan Zacher at (717) 783-9920.

Sincerely,

Andrea L. MacDonald, Chief
Division of Preservation Services

AM/snz



August 18, 2009

Victoria J. Rutson, Chief
Section of Environmental Analysis
Surface Transportation Board
395 E. Street, S.W.
Washington, DC 20423-0001

RE: Petition for Administrative Reconsideration
DECISION, Finance Docket No. 35116, Service Date—July 31, 2009
R.J. Corman Railroad Company/Pennsylvania Lines Inc.—Construction and Operation
Exemption

Dear Ms. Rutson:

We are petitioning the Surface Transportation Board to reconsider the above referenced Decision. The reasons for this request are as follows:

1. No reasons are given why the scope of the Environmental Impact Statement is not a connected action with the landfill and purported other projects, especially given the fact that other agencies that will cooperate deemed that these actions should be reviewed as single and complete (see attached letters from the U.S. Environmental Protection Agency and the U.S. Fish and Wildlife Service).
2. We request a quantitative analysis of the effects of noise vibration on residents and nearby businesses; a qualitative analysis is insufficient to effectively assess the mitigation measures.
3. New information has come to light which bears on the presumptive need for the rail reactivation. The Hawbaker Quarry, which was claimed as a significant customer of the proposed rail line, has closed. The quarry has already been back filled and prepped for revegetation. This information was obtained from Mr. John DeHaas, Moshannon District Office Surface Mine Conservation Inspector.

We would appreciate reconsideration of this Decision.

Sincerely,



JoAnn Gillette, Coordinator
Review Committee
People Protecting Communities
joann.gillette@yahoo.com
(814) 387-6537

C: Council on Environmental Quality



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

February 13, 2007

Mr. Irwin Garskoff
Chief, Pennsylvania Section
U. S. Army Corp of Engineers
Baltimore District
1631 South Atherton
State College, PA 16801

re: CENAB-OP-RPA (Resource Recovery, LLC) 04-02142-8

Dear Mr. Garskoff, 

The U.S. Environmental Protection Agency (EPA) has reviewed the above referenced permit application in accordance with Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. The applicant, Resource Recovery, LLC, proposes work in wetlands adjacent to unnamed tributaries to Moshannon Creek and Laurel Run in Rush Township, Centre County, PA.

The applicant proposes to discharge dredge or fill material into approximately 3.64 acres of Federally regulated jurisdictional wetlands associated with the construction of a municipal landfill and supporting facilities. The jurisdictional wetlands to be impacted include 2.89 acres of palustrine forested/palustrine emergent (PFO/PEM) wetlands, 0.69 acre of palustrine scrub-shrub/palustrine emergent (PSS/PEM) wetlands, and 0.06 acre of PEM wetlands. An additional 7.01 acres of isolated, non-jurisdictional wetlands are proposed to be impacted. The construction of approximately 12.0 acres PFO wetlands on-site is proposed as mitigation. Additional on-site mitigation proposed includes 440 linear feet of riparian planting and 5.8 acres of upland habitat enhancement.

Information from a U.S. Fish and Wildlife Service field visit on February 7, 2007 indicates the previously mined site is primarily second growth forest with mature hardwoods. An on-site stream having a boulder- gravel substrate was shown to support aquatic life. The existing stream channel is flanked by riparian wetlands. The site would be expected to support a variety of wildlife and migratory birds. The project as proposed would result in the loss of stream channel and associated riparian habitat and permanently impact a total of 10.65 acres of wetlands including 3.64 acres of jurisdictional wetlands. EPA is concerned that the project as proposed would result in the irremediable loss of valuable habitat that supports a variety of aquatic species, wildlife and migratory birds.

EPA is very concerned that the project as proposed has not demonstrated that impacts to waters of the U. S. have been avoided or minimized to the greatest extent practicable as required by the

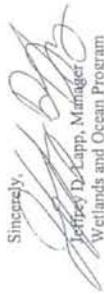
Customer Service Hotline: 1-800-438-2474

Section 404(b)(1) Guidelines. An alternatives analysis that examine both off-site and on-site alternatives that meets the requirements of the Guidelines needs to be performed. The alternatives analysis should include the primary, secondary, and cumulative impacts that could be expected to occur from construction of such a facility. It appears that impacts from the current proposal are considered only for the footprint of the landfill. Impacts that can be expected to occur from accessing the site, potential expansion of the facility and construction of other associated facilities, i.e. an industrial park, must be considered. In sum the alternatives analysis must consider the project as one single and complete project.

We are also concerned that the referenced permit application does not include specific information on the location and type of wetlands to be constructed as compensatory mitigation. A site specific detailed drawing of the location, type, and extent of all proposed mitigation measures must be furnished.

We recommend that the permit application for the proposed project be withdrawn. Additional information must be provided for informed decision making. Thank for the opportunity to review and comment. You can contact Marria O'Malley Walsh at (570) 628-9685 when additional information becomes available for this project.

Sincerely,



Jeffrey D. Lapp, Manager
Wetlands and Ocean Program

cc: Cindy Tibit, USEFWS, State College, PA



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Pennsylvania Field Office
315 South Allen Street, Suite 322
State College, Pennsylvania 16801-4850



February 14, 2007

Colonel Peter W. Mueller, District Engineer
(ATTN: Tom Pluto)
U.S. Army Corps of Engineers
Baltimore District
P.O. Box 1715
Baltimore, MD 21203-1715

Dear Colonel Mueller:

The Fish and Wildlife Service has reviewed Public Notice Number CENAB-OP-RPA-04-02142-8 (PN 07-06), dated January 16, 2007. Resource Recovery, LLC (RRLLC), proposes to construct a municipal waste landfill and supporting facilities in Rush Township, Centre County, Pennsylvania. The project would result in impacts to 3.64 acres of federally regulated (jurisdictional) wetlands and 7.01 acres of isolated wetlands (non-jurisdictional pursuant to section 404 of the Clean Water Act). Jurisdictional wetland impacts include fill in 2.89 acres of palustrine forested/palustrine emergent (PFO/PEM) wetlands, 0.69 acre of palustrine scrub-shrub/palustrine emergent (PSS/PEM) wetland, and 0.06 acre of palustrine emergent (PEM) wetland. Additional wetlands may be affected by a proposed highway interchange. As compensatory mitigation, the applicant has proposed creating about 12 acres of wetlands on-site (a 1:1:1 replacement ratio) to offset all wetland impacts (both jurisdictional and non-jurisdictional), 440 linear feet of riparian plantings, and 5.8 acres of upland habitat enhancements.

These comments are prepared in accordance with the requirements of the Fish and Wildlife Coordination Act (16 U.S.C. 661-667e) and the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*). They are to be used in your determination of Section 404(b)(1) Guidelines compliance (40 CFR 230) and in your public interest review (33 CFR 320.4) as they relate to protection of fish and wildlife resources. We have previously commented on this project in letters dated October 23, 2006 (to the Pennsylvania Department of Environmental Protection); November 5, 2005 (to the applicant's consultant), June 14, 2005 (joint letter with the Department); and June 9, 2004 (to the applicant's consultant) (copies enclosed). Aside from complying with the procedural requirements of the Endangered Species Act for the landfill site, the applicant has not modified the project to address any of our previous comments, so we are incorporating those comments herein by reference.

We offer the following summary of our previously-stated concerns:

Finally, based on a recent site visit, we note that a stream exists in what would become landfill cells 5 and 6. This stream was not previously documented, and should be properly delineated and included as a project impact. Should the Corps decide to authorize this project, additional compensatory mitigation for impacts on this stream should be required.

Summary

The 404(b)(1) guidelines require that discharging fill into waters of the United States not be permitted if there are practicable alternatives that would result in less environmental damage. Again, we believe that there are practicable alternatives to filling aquatic areas for the landfill and related developments, such as changing the project configuration, alternative siting on degraded (i.e., brownfield or recently surface-mined) properties, or daylighting deep-mined areas to use for the landfill pit. If RRLIC is now considering using local roads to access the proposed landfill property, then the original alternatives analysis no longer applies, and RRLIC must consider other parcels of land that do not have direct highway access. In addition, all project-related actions should be presented as parts of a single and complete project.

The proposed wetland mitigation sites sacrifice forest cover for the construction of PEM wetlands, may be subject to sedimentation and erosion, and rely on uncertain hydrology. Therefore, we recommend that the applicant explore alternative areas to site their compensatory wetland mitigation work, and do so at appropriate replacement ratios. We ask further than any impacts to streams also be compensated in-kind.

Until these deficiencies are resolved, the project should not be authorized as proposed, and we continue to object to permit issuance.

Thank you for the opportunity to comment on the proposed project. Please Jennifer Kugel of my staff at 814-234-4090 if you have any questions or require further assistance regarding this matter.

Sincerely,



David Deansmore
Supervisor

Enclosures

- **Wildlife Habitat Values.** The RRLIC project will permanently affect nearly 11 acres of wetlands (jurisdictional and non-jurisdictional), and destroy and fragment valuable wildlife habitat. Despite past logging and strip mining impacts, the 6,000-acre property supports diverse forest habitat (including mature and early successional red maple, aspen, birch, white oak, pin oak, ash, dogwood, and pine) and a well-developed understory (including northern spicebush, blueberry, greenbriar, fire cherry, sweet fern, and sumac), and is capable of supporting a diverse assemblage of wildlife.

- **Threatened and Endangered Species.** Surveys for four federally listed species (bald eagle, Indiana bat, northeastern bluebird, and small-whorled pogonia) have been conducted on the 533-acre landfill portion of the 6,000-acre property, and we have concluded that the footprint of the proposed landfill will not adversely affect federally listed endangered and threatened species. However, we have further recommended that the applicant conduct surveys for these species within all direct and indirect impact areas for the entire 6,000-acre parcel. To our knowledge, this has not been done.

- **Alternatives Analysis.** We have repeatedly requested that RRLIC explore alternatives that are less environmentally damaging (e.g., alternative site plan configurations, alternative site locations with lower habitat quality and existing highway access, and daylighting and lining former deep mines for landfill pit construction). In addition, RRLIC has focused on lands with highway and rail access, eliminating from further consideration those sites which lacked transportation access. More recently, however, RRLIC has indicated that local roads are acceptable for landfill access. Therefore, the previous alternatives analysis that rejected sites without highway access is no longer valid. To date, RRLIC has not responded to our request for a new alternatives analysis, nor have they attempted to minimize project impacts on-site (project impacts have not changed since the initial pre-application meeting).

- **Single and Complete Project.** We have consistently recommended that all aquatic resources within the entire 6,000-acre parcel be properly identified and mapped. To date, aquatic areas have only been identified within the footprint (533 acres) of the proposed landfill, without regard to likely future plans for developing the remainder of the parcel (e.g., the industrial park, rail spur, landfill expansion, Gorton Road expansion, and a possible highway interchange). RRLIC has not combined these project-related components into a single and complete project proposal for agency review.

- **Compensatory Mitigation.** Proposed compensatory mitigation sites are unlikely to succeed as such because of unsuitable soils, questionable hydrology, and floodplain siting (making them vulnerable to erosion and deposition from overbank flooding); or they would cause additional, unacceptable loss of valuable forest habitat. The applicant has not responded to our recommendations to investigate alternative sites that are likely to achieve long-term success in replacing the wetland functions lost at the proposed development site. Furthermore, our October 23, 2006, letter recommends that wetland replacement ratios correspond to the affected wetland type (e.g., PFO – 2:1, PSS – 1.5:1, or PEM – 1:1). To date, these recommended replacement ratios have not been incorporated into the project plans.



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

October 1, 2009

JoAnn Gillette, Coordinator
Review Committee
People Protecting Communities
P.O. Box 38
Clarence, PA 16829

Re: Finance Docket No. 35116, RJ Corman Railroad Company/Pennsylvania Lines
Inc. – Construction and Operation Exemption – in Clearfield County, PA

Dear Ms. Gillette:

Thank you for your August 18, 2009 letter regarding the proposed construction and operation of approximately 20 miles of the former Beech Creek Railroad in Clearfield and Centre Counties, Pennsylvania. In your letter, you petition the Board to reconsider the decision served on July 31, 2009 in this case. However, the issues raised in your letter will be addressed in the Environmental Impact Statement (EIS) before the Board makes its final decision. In the July 31, 2009 decision, the Board's Section of Environmental Analysis (SEA) issued the Final Scope of Study for the EIS. SEA is now in the process of preparing the Draft EIS which will be available for public review and comment upon its completion. A public meeting will also be held in the project area during the comment period. SEA will then prepare a Final EIS that considers comments on the Draft EIS, sets forth any additional analyses, and makes final recommendations to the Board on appropriate mitigation measures. In reaching its final decision, the Board will take into account the full environmental record, including the Draft EIS, the Final EIS, and all timely environmental comments that are received.

We will include your letter as a comment in the public record and will address your concerns in the Final EIS. As discussed in the Final Scope of Study and above, you will have the opportunity to provide additional comments after issuance of the Draft EIS. SEA will consider and respond to all comments received on the Draft EIS in the Final EIS before the Board makes its final decision.

If you have any questions, please do not hesitate to contact me or Danielle Gusselin of staff at (202) 245-0100.

Sincerely,

Victoria Rutson
Chief
Section of Environmental Analysis

Kevin Stamer, Skelly & Loy, Inc.

DAVID K. LEVDANSKY, MEMBER
 132 SECOND AVENUE
 ELIZABETH, PENNSYLVANIA 15037
 PHONE (724) 382-2288
 FAX (724) 382-2923



House of Representatives
 COMMONWEALTH OF PENNSYLVANIA
 HARRISBURG

COMMITTEES

MAJORITY CHAIRMAN, FINANCE COMMITTEE
 ENVIRONMENTAL RESOURCES & ENERGY
 GAME & FORESTRY
 LEGISLATIVE BUDGET & FINANCE *CLASUPER

E-MAIL: davidk.levd@houspa.net
 WEB SITE: www.housepa.com/dklevd

EL-17881

September 21, 2009

Victoria Rutson
 Section of Environmental Analysis
 Surface Transportation Board
 295 E. Street, S.W.
 Washington, DC 20423-0001

Dear Ms. Rutson,

I am writing regarding Resource Recovery, LLC and R.J. Corman Railroad Company/Pennsylvania Lines Inc's proposal to construct and reactivate a rail line to the proposed Resource Recovery landfill on the western edge of Rush Township in Centre County.

I am requesting that the rail line and landfill be reviewed by the board as a connected action and that the Environmental Impact Statement (EIS) be conducted in a thorough and complete manner.

It is obvious that without the proposed landfill, there is no need for this rail line. In fact, the rail line's construction cost will be paid for by Resource Recovery, the developer of the proposed landfill.

The existing 5,800 wild acres of forest habitat in the central Pennsylvania Wilds should be kept reserved for sustainable uses as well. We should remain committed to protecting the health and safety of its concerned residents, business owners, outdoor enthusiasts, and property owners. This area, noted for its outdoor recreation opportunities and natural beauty, should not be vanquished by making it a landfill.

Sincerely,

 DAVID K. LEVDANSKY
 State Representative, 39th District
 Chairman, House Finance Committee

CC: JoAnn Gilette, People Protecting Communities
 Honorable Rep. Camille Bud George, 74th Legislative District
 Honorable Rep. Scott Conklin, 77th Legislative District

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SURFACE TRANSPORTATION BOARD
 Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

September 30, 2009

Mr. David Densmore
 U.S. Fish and Wildlife Service
 315 South Allen Street, Suite 322
 State College, Pennsylvania 16801

Re: Finance Docket No. 35116, R.J. Corman Railroad Company/Pennsylvania Lines Inc.-Construction and Operation Exemption-in Clearfield County, PA; Local Road System Upgrade Alternative

Dear Mr. Densmore:

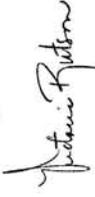
I am writing to request your assistance with the identification of potential threatened and endangered species in the area of the Local Road System Upgrade Alternative (see attached figure) that we are studying as part of the Environmental Impact Statement (EIS) in the above mentioned case. Below, I summarize the railroad's proposal, the Local Road System Upgrade Alternative and ask for your help in identifying potential environmental impacts associated with this alternative.

Railroad's Proposed Alternative (Beech Creek Branch Line Reactivation)

On May 20, 2008, R.J. Corman Railroad Company/Pennsylvania Lines Inc. (RJCP) filed a petition with the Surface Transportation Board (Board) pursuant to 49 U.S.C. 10502 for authority to reconstruct and operate an abandoned 10.8-mile rail line between Wallaceton/Phillipsburg and Winburne in Clearfield County, Pennsylvania and to rebuild the track on a connecting 9.3 miles of currently rail-banked line between Winburne and Gorton in Clearfield and Centre Counties, Pennsylvania. In total, the proposed project would involve the construction, 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. Should this rail line construction and operation proposal be approved by the Board, RJCP would be able to provide rail transportation service to and from the proposed quarry, landfill and industrial park. RJCP anticipates that the line would handle approximately 17,000 carloads annually, or one round trip per day at approximately 55 carloads per trip, six days per week.

If you have any questions, please contact Kevin Starnier, Project Manager for Skelly and Loy, at 717-232-0593, or Danielle Gosselin, SEA Project Manager, at 202-245-0300. Thank you for your assistance.

Sincerely,



Victoria Rutson
Chief
Section of Environmental Analysis

Local Road System Upgrade Alternative

The Board's Section of Environmental Analysis (SEA) has decided to evaluate the Local Road System Upgrade Alternative in detail based on RJCP's assertion that Resource Recovery, LLC would use the Local Road System Upgrade Alternative as the default means for accessing their proposed quarry, landfill and industrial park should the Board deny the proposed railroad reactivation. The following table summarizes the necessary improvements associated with the Local Road System Upgrade Alternative, and the attached figure shows the location and extent of these necessary improvements.

LOCAL ROAD SYSTEM UPGRADE ALTERNATIVE

ROAD/INTERSECTION	PROPOSED IMPROVEMENT
S.R. 0053/S.R. 0144/Gorton Road	<ul style="list-style-type: none"> Pavement widening to accommodate turning trucks Building demolition in SW and SE quadrants
S.R. 0144/S.R. 4005 (Cherry Run Road)	<ul style="list-style-type: none"> Signalization (warranted for peak hour volumes) Widen to provide EB right-turn and NB left-turn lanes
S.R. 0053	<ul style="list-style-type: none"> Widen to 40' and resurface (two 12' lanes and two 8' shoulders), areas of reconstruction
S.R. 0144	<ul style="list-style-type: none"> Widen to 40' and resurface (two 12' lanes and two 8' shoulders)
I-80 Kylesport Interchange Westbound Exit Ramp	<ul style="list-style-type: none"> Lengthen ramp weaving section 50'
I-80 Snow Shoe Interchange Westbound Exit Ramp	<ul style="list-style-type: none"> Lengthen ramp weaving section 150'
Gorton Road (Snow Shoe Township)	<ul style="list-style-type: none"> Widen to 40' (two 12' lanes and two 8' shoulders) Full-depth pavement reconstruction or overlay Widen 90 degree bend to accommodate turning trucks Replace bridge over Black Moshannon Creek Roadway realignment at rail trail crossing Roadway realignment
Gorton Road (Rush Township)	<ul style="list-style-type: none"> Roadway realignment

Request for Assistance

We appreciate your assistance in identifying any potential threatened and endangered species issues that may be associated with the Local Road System Upgrade Alternative. We request your response by October 21, 2009 so that we can incorporate your response into the Draft EIS, as appropriate. Please send your comments to:

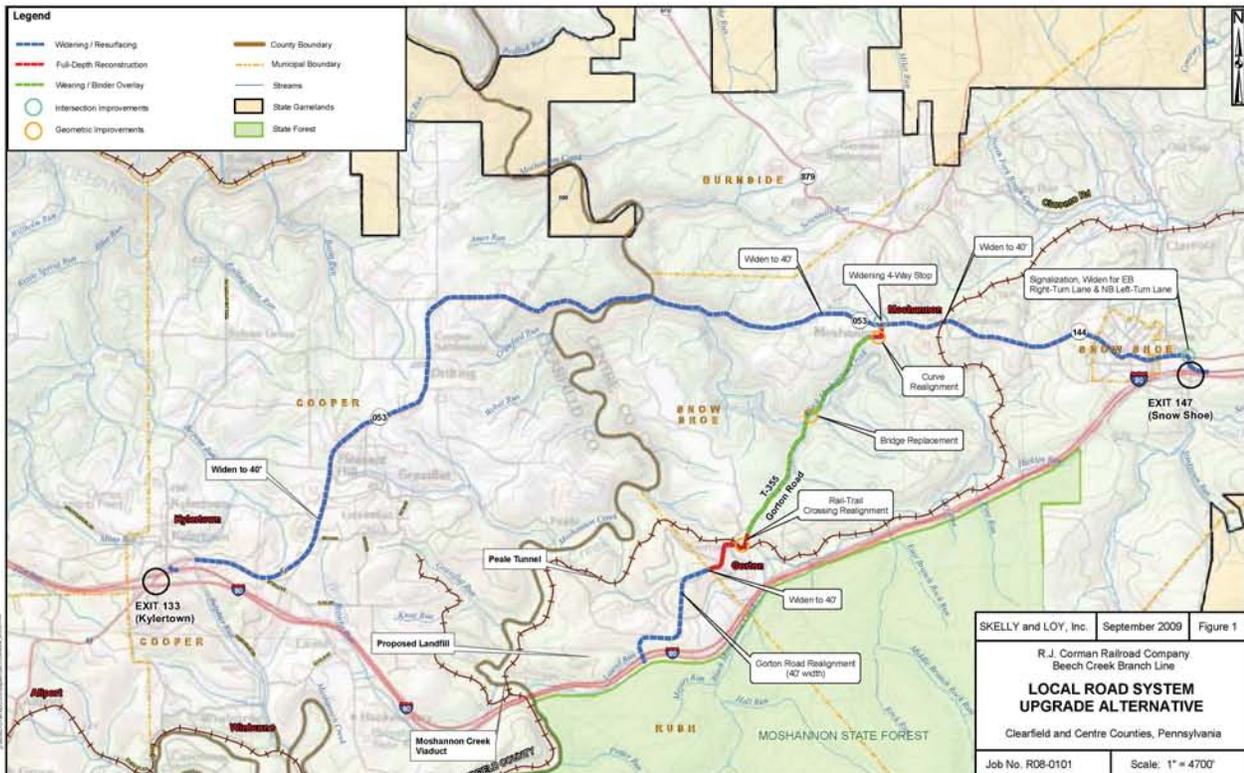
Mr. Kevin Starnier
Skelly and Loy, Inc.
449 Eisenhower Boulevard, Suite 300
Harrisburg, PA 17111

Mr. David Densmore
 U.S. Fish and Wildlife Service
 315 South Allen Street, Suite 322
 State College, Pennsylvania 16801

Mr. Jeff Schmid
 Pennsylvania Fish and Boat Commission
 Division of Environmental Services
 450 Robinson Lane
 Bellefonte, Pennsylvania 16823-9620

Mr. Jim Leigey
 Pennsylvania Game Commission
 Bureau of Wildlife Habitat Management
 2001 Elmerton Avenue
 Harrisburg, Pennsylvania 17110-9797

Ms. Rebecca Bowen
 Pennsylvania Department of Conservation and Natural Resources
 Bureau of Forestry, Ecological Services Section
 400 Market Street
 Post Office Box 8552
 Harrisburg, Pennsylvania 17105



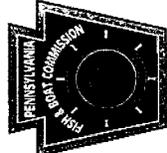
SIR# 432708
 STARNER
 Page 2

In any future correspondence with us regarding this specific project, please contact Kathy Cripe at 814-359-5186 and refer to the SIR number above. Thank you for your cooperation and attention to this matter of timber rattlesnake conservation.

Sincerely,

 Christopher A. Urban, Chief
 Natural Diversity Section

CA:lmr
 Enclosures (2)



Pennsylvania Fish & Boat Commission
 Division of Environmental Services
 Natural Diversity Section
 450 Robinson Lane
 Bellefonte, PA 16823-9629
 (814) 359-5237 Fax (814) 359-5175
 October 14, 2009

IN REPLY REFER TO
 SIR# 32708

KEVIN STARNER
 SKELLY AND LOY
 449 EISENHOWER BOULEVARD, SUITE 300
 HARRISBURG, PA 17111

**RE: Species Impact Review (SIR) – Rare, Candidate, Threatened and Endangered Species
 R.J. CORMAN RR - PA LINES INC. RECONSTRUCTION
 CLEARFIELD, CENTRE Counties, Pennsylvania**

Dear Mr. STARNER:

I have examined the map accompanying your recent correspondence, which shows the location for the proposed above-referenced project. Based on records maintained in the Pennsylvania Natural Diversity Inventory (PNDI) database and the Pennsylvania Fish & Boat Commission (PFBC) files and databases, the following rare or protected species are known from the vicinity of the project site:

Common Name	Scientific Name	PA Status
Timber rattlesnake	<i>Crotalus horridus</i>	candidate

Timber rattlesnakes occur in the forested, mountainous regions of the Commonwealth. They prefer forested areas to forage for small mammals (e.g., mice and chipmunks) and take, south to south-eastern facing rocky slopes for hibernating and other thermoregulatory activities. The timber rattlesnake is threatened by overhunting, poaching and habitat alteration.

Given the proximity of the project to known timber rattlesnake den areas, we request that a timber rattlesnake habitat assessment be conducted in the project area by a PFBC-recognized/qualified timber rattlesnake surveyor. We have included a list of PFBC-qualified/recognized surveyors and habitat assessment protocol for your convenience. Upon completion of the habitat survey, the recognized/qualified rattlesnake biologist is to submit a report to this office (Natural Diversity Section) for review and comment. The habitat survey report should include color and aerial photographs of the project area (keyed to a site map or diagram) and a description of habitats occurring within the immediate area to be developed (including access roads), as well as the surrounding area. Potential timber rattlesnake foraging, denning and/or basking areas should be photographed and mapped accordingly. In addition, the report should also include detailed project plans and maps with a description of the proposed work (including access roads), project impacts and alternatives. Pending the review of this information, a survey targeting the presence of the timber rattlesnake in the project area and/or other project modifications may be requested.

Our Mission: www.fish.state.pa.us
 To protect, conserve and enhance the Commonwealth's aquatic resources and provide fishing and boating opportunities.

October 19, 2009

-2-

Mr. Starmer



- S.R. 0053 - from Moshannon Summit east to the intersection with Gordon Road at Moshannon.
- Gordon Road - from the intersection with S.R. 0053 south to the Railroad crossing near Gordon.

Please provide the following information so that a more accurate determination can be made:

- Results of the woodrat habitat assessment survey included all completed PGC datasheets.
- This response represents the most up-to-date summary of the PNDI data files and is valid for one (1) year from the date of this letter. An absence of recorded information does not necessarily imply actual conditions on site. Should project plans change or additional information on listed or proposed species become available, this determination may be reconsidered.

Should the proposed work continue beyond the period covered by this letter, please resubmit the project to this agency as an "Update" (including an updated PNDI receipt, project narrative and accurate map). If the proposed work has not changed and no additional information concerning listed species is found, the project will be cleared for PNDI requirements under this agency for an additional year.

This finding applies to impacts to birds and mammals only. To complete your review of state and federally-listed threatened and endangered species and species of special concern, please be sure that the U.S. Fish and Wildlife Service, the PA Department of Conservation and Natural Resources, and/or the PA Fish and Boat Commission have been contacted regarding this project as directed by the online PNDI ER Tool found at www.naturalheritage.state.pa.us.

Sincerely,

Tracey Librandi Mumma

Tracey Librandi Mumma
 Division of Environmental Planning & Habitat Protection
 Bureau of Wildlife Habitat Management
 Phone: 717-787-4250, Extension 3614
 Fax: 717-787-6957
 e-mail: tlibrandi@state.pa.us

A PNHP Partner



Heritage & Natural Resources Program

Enclosure: PGC Allegheny Woodrat Guidance Document

October 19, 2009 PNDI Large Project Review

Mr. Kevin Starmer
 Skelly and Loy, Inc.
 449 Eisenhower Blvd., Suite 300
 Harrisburg, PA 17111

PNDI Large Project Review
 Re: R.J. Corman Railroad – Local Road System Upgrade Alternative
 Centre and Clearfield Counties, PA

Dear Mr. Starmer,

I thank you for submitting the R.J. Corman Railroad Local Road System Upgrade Alternative to the PA Game Commission (PGC) on September 30, 2009 for review. The Pennsylvania Game Commission (PGC) screened this project for potential impacts to species and resources of concern under PGC responsibility, which includes birds and mammals only.

Potential Impact Anticipated

PNDI records indicate species of concern are located in the vicinity of the project. The PGC has received and thoroughly reviewed the information that you provided to this office as well as PNDI data, and has determined that potential impacts to threatened, endangered, and species of special concern birds and mammals may be associated with your project. Therefore, additional measures are necessary to avoid potential impacts to the species listed below.

Scientific Name	Common Name	PA Status
<i>Neotoma magister</i>	Allegheny Woodrat	THREATENED

Next Steps

An Allegheny woodrat habitat assessment survey should be performed using the survey form found in Appendix B of the enclosed PGC Allegheny Woodrat Guidance Document for the above listed species. The woodrat habitat assessment survey must be conducted by a qualified biologist with experience surveying and locating woodrat sign. The survey involves a detailed search by the lead biologist and several assistants for all potential habitat in the project area and within 300 feet of the project area. The Allegheny woodrat habitat assessment survey should be concentrated in the following areas within the large proposed project area:

AGRICULTURE AND FORESTRY DIVISION
 PENNSYLVANIA DEPARTMENT OF REVENUE
 300 SOUTH MIDDLEBURY STREET, HARRISBURG, PA 17120-0001
 TEL: 717-787-6300 FAX: 717-787-6399
 WWW.PENNSYLVANIA.GOV
 PENNSYLVANIA DEPARTMENT OF REVENUE
 300 SOUTH MIDDLEBURY STREET, HARRISBURG, PA 17120-0001
 TEL: 717-787-6300 FAX: 717-787-6399
 WWW.PENNSYLVANIA.GOV

OCT-23-2009 15:42 PND1 717 772 0271 P. 01/01



BUREAU OF FORESTRY

October 23, 2009

PNDI Number: 20406

Kevin Stamer
Skelly and Loy, Inc.
Fax: 717-232-1799 (hard copy will NOT follow)

Re: Local Road System Upgrade Alternative for Finance Docker No. 35116, R.J. Conman Railroad Company
Show Shee, Cooper, and Burnside Townships, Clearfield and Centre Counties.

Dear Mr. Stamer,

Thank you for submission of the Pennsylvania Natural Diversity Inventory (PNDI) Environmental Review Receipt Number 20406 for review. PA Department of Conservation and Natural Resources screened this project for potential impacts to species and resources of concern under DCNR's responsibility, which includes plants, terrestrial invertebrates, natural communities, and geologic features only.

Potential Impacts Anticipated if Disturbance

PNDI records indicate that species and communities of special concern under DCNR's jurisdiction are known to occur in the vicinity of the above-mentioned project. Please see the list for species found in the vicinity of the project area. If any earth disturbance is planned or more detailed project information becomes available, please coordinate with our office for further review of potential impacts to the species list located below.

Scientific name	Common Name	PA Current Status	PA Proposed Status	Habitat includes
<i>Polygonum Carey</i>	Carey's Smartweed	Endangered	Endangered	Sandy open woods
<i>Prunus alleghaniensis</i>	Allegheny Plum	N	Threatened	Roadsides, floodplains

This response represents the most up-to-date summary of the PNDI data files and is valid for one (1) year from the date of this letter. An absence of recorded information does not necessarily imply actual conditions on-site. Should project plans change or additional information on listed or proposed species become available, this determination may be reconsidered.

Should the proposed work continue beyond the period covered by this letter, please resubmit the project to this agency as an "update" (including an updated PNDI receipt, project narrative and accurate map). If the proposed work has not changed and no additional information concerning listed species is found, the project will be cleared for PNDI requirements under this agency for an additional year.

This finding applies to impacts to DCNR only. To complete your review of state and federally-listed threatened and endangered species and species of special concern, please be sure the U.S. Fish and Wildlife Service, PA Game Commission, and the Pennsylvania Fish and Boat Commission have been contacted regarding this project as directed by the online PNDI PR Tool found at www.naturalheritage.state.pa.us

Sincerely,

Joy Vadervort-Sneed, Environmental Review Manager FOR Chris Firestone, Wild Plant Program Mgr.
Ph: 717-705-2822 -- F: 717-772-0271 -- svadervort@state.pa.us

conserve sustain enjoy

P.O. Box 8552, Harrisburg, PA 17015-8552 717-877-3444 (fax) 717-772-0271



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Pennsylvania Field Office
315 South Allen Street, Suite 322
State College, Pennsylvania 16801-4889

October 26, 2009

OCT 27 2009

Kevin Stamer
Skelly and Loy, Inc.
449 Eischhower Boulevard
Suite 300
Harrisburg, PA 17111

RE: USEWS Project #2010-0012

Dear Mr. Stamer:

This is in response to your letter of September 30, 2009, requesting information about federally listed and proposed, endangered and threatened species within the area affected by the proposed railroad reactivation of the Beech Creek Branch line, on the local road system upgrade alternative should the railroad reactivation be denied, located in Wallaceport/Phillipsburg and Wernburne in Clearfield County, Pennsylvania. The following comments are provided pursuant to the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) to ensure the protection of endangered and threatened species.

The project is within the range of the Indiana bat (*Myotis sodalis*), a species that is federally listed as endangered. Indiana bats hibernate in caves and abandoned mines during the winter months (November through March), and use a variety of upland, wetland and riparian habitats during the spring, summer and fall. Indiana bats usually roost in dead or living trees with exfoliating bark, crevices or cavities. Female Indiana bats form nursery colonies under the exfoliating bark of dead or living trees, such as shagbark hickory, black birch, red oak, white oak, and sugar maple, in upland or riparian areas.

Land-clearing, especially of forested areas, may adversely affect Indiana bats by killing, injuring or harassing roosting bats, and by removing or reducing the quality of foraging and roosting habitat. Therefore, to determine whether the proposed project will affect Indiana bats, we will need additional project information, including site plans and a detailed project description, that describe how much forest disturbance will occur (area, tree species, and size classes).

This response relates only to endangered or threatened species under our jurisdiction, based on an office review of the proposed project's location. No field inspection of the project area has been conducted by this office. Consequently, this letter is not to be construed as addressing potential Service concerns under the Fish and Wildlife Coordination Act or other authorities.



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

To avoid potential delays in reviewing your project, please use the above-referenced USFWS project tracking number in any future correspondence regarding this project.

If you have any questions regarding this matter, please contact Pamela Shellenberger of my staff at 814-234-4090.

Sincerely,

Cindy Abbott
Acting Supervisor

Ms. Pamela Shellenberger
U.S. Fish and Wildlife Service
315 South Allen Street, Suite 322
State College, Pennsylvania 16801

November 12, 2009

Re: Finance Docket No. 35116, R.J. Corman Railroad Company/Pennsylvania Lines Inc.–Construction and Operation Exemption–in Clearfield County, PA;
Beech Creek Branch Line Build Alternative

Dear Ms. Shellenberger:

This letter is provided in response to your October 26, 2009 correspondence (see Attachment A) in which you request additional project information in order to determine whether the proposed project would affect the Indiana bat (*Myotis sodalis*), a species that is federally listed as endangered. Specifically, you request site plans and a detailed project description describing how much forest disturbance would occur. While detailed engineering site plans are not available at this preliminary stage of the project, we believe that the following information should prove adequate to make a project determination relevant to potential affects to the Indiana bat.

Railroad's Proposal/Previous Correspondence

On May 20, 2008, R.J. Corman Railroad Company/Pennsylvania Lines Inc. (RJCP) filed a petition with the Surface Transportation Board (Board) pursuant to 49 U.S.C. 10502 for authority to reconstruct and operate an abandoned 10.8-mile rail line between Wallaceton Junction and Winburne in Clearfield County, Pennsylvania (the Western Segment), and to rebuild the track on a connecting 9.3 miles of currently rail-banked line between Winburne and Gorton in Clearfield and Centre Counties, Pennsylvania (the Eastern Segment). In total, the proposed project would involve the construction or rebuilding, and operation, of approximately 20 miles of the former Beech Creek Railroad (shown in yellow on the enclosed Project Location Map) to serve a new quarry, landfill, and industrial park being developed by Resource Recovery, LLC near Gorton, Pennsylvania.

As part of the NEPA process, the Board conducted a public scoping meeting for this

project on February 10, 2009. As a result of this public scoping meeting, a potential alternative route was identified for a portion of the Western Segment. Specifically, this alternative route involves reconstructing an approximate 7.0-mile segment of abandoned rail line, referred to as the Philipsburg Industrial Track, located adjacent to the Moshannon Creek between Philipsburg and Munson in Clearfield County, Pennsylvania (shown in orange on the enclosed Project Location Map). Associated with this alternative route would be the construction of approximately 2,500 feet of new track (shown in purple on the enclosed Project Location Map) to connect with RJCP's existing Wallacetown Subdivision Line. From Munson eastward to Gorton, the proposed rail reactivation corridor would remain unchanged. Attachment A contains copies of all previous correspondence from your office relative to this project.

Railroad Construction

If approved by the Board, R.J. Corman Railroad Group's own construction crew would construct the proposed Beech Creek Branch Line. RJCP estimates that construction of the line would take approximately 12 to 18 months to complete. The line would be constructed on a 66-foot right-of-way owned/controlled or to be owned/controlled by RJCP. Figure 2-2 shows the 24-foot typical section of the single-track line proposed to be constructed.

The rails and ties would be shipped to the construction site by combination of both railroad and truck, and staged along the line as construction proceeds. The roadbed itself would require only a minimal amount of grading, sub-grade, and sub-ballast as much of the abandoned roadbed is still intact (see photographs 1 - 4). RJCP anticipates that the ballast would be brought in by train and spread as the track is installed. A general outline of proposed construction activities includes:

1. Brush cutting and clearing the abandoned roadbed, as necessary, to provide access for the construction activities;
2. Grading of the roadbed, as necessary, to prepare it for the installation of new tracks. This would include removal of former ties and rails in certain locations. New sub-grade and sub-ballast would be installed as needed. Erosion and sediment control would be established as grading proceeds;
3. All culverts would be cleaned out or replaced, as needed;
4. All existing bridges would be repaired, as needed;
5. Two new bridges would be constructed at Laurel Run and Casanova Road;
6. All road crossings would be brush cut, cleared out, tracks reinstalled, lights and/or crossbucks and advance warning signs installed. Roadways would be temporarily closed and detoured, as necessary to construct the crossings;
7. Relocation of utilities as needed; and
8. Installation of new tracks consisting of cross-ties, ballast and either relay or new rail and components.

Railroad Construction Impacts:

In general, the Beech Creek Branch Line corridor east of Winburne is a largely undeveloped tract of forest interior habitat containing a portion of the Moshannon State Forest and several large private landholdings along the Moshannon Creek and Black Moshannon Creek drainages. Significant portions of this area have been subject to previous mining and logging operations and are now undergoing various stages of successional growth. Conversely, the Beech Creek Branch Line corridor west of Winburne consists of a diverse and scattered mixture of urban developed areas (i.e., Munson, Allport, Morrisdale, Hawk Run, Troy and Wallacetown), small woodlots, and active/previous mining areas. One notable exception to this generalized description is the large wetland-riverine complex associated with the Moshannon Creek floodplain from Munson to Philipsburg.

Regarding the construction impacts of the proposed project, the Board notes that the vast majority of project impacts would be in the form of minor brush clearing within the footprint of the former roadbed (see photographs 1-4 attached). However, the Board recognizes that reconstruction of track and the subsequent operation of trains over the track would require the clearing of tree and shrub vegetation located immediately adjacent to the 24-foot typical track section. Thus, the Board used the 24-foot typical track section combined with a 10-foot buffer on each side to calculate a potential acreage impact to adjacent vegetation. Over the 20-mile project length, the Board estimates that approximately 30 to 40 acres of adjacent tree/shrub vegetation would be impacted depending on which alternate route to Munson is selected for the Western Segment. This 30-40 acre impact would consist of the clearing of trees and shrubs that have grown up within ten feet of the active railroad bed over its entire 20-mile length. The attached photographs depict the typical type and size of adjacent vegetation that would be cleared as a result of this project. Additionally, a woodland bat survey involving mist net sampling was conducted by Bat Conservation and Management, Inc. in 2005 near the vicinity of this proposed rail line reactivation. This multi-night survey did not result in the capture of any Indiana bats (see attached copy of the survey). Based on the narrow strip of tree and shrub removal along the existing graded corridor of a former railroad line, the Board does not anticipate that the proposed project would result in any impacts to the Indiana bat.

Request for Response

We appreciate your assistance in this matter and request your response by December 11, 2009 so that we can incorporate your response into the Draft EIS, as appropriate. Please send your comments to:

Mr. Kevin Starnar
Skelly and Loy, Inc.
449 Eisenhower Boulevard, Suite 300
Harrisburg, PA 17111

If you have any questions, please contact Kevin Starnar, Project Manager for Skelly and Loy, at 717-232-0593, or Danielle Gosselin, SEA Project Manager, at 202-245-0300. Thank you for your assistance.



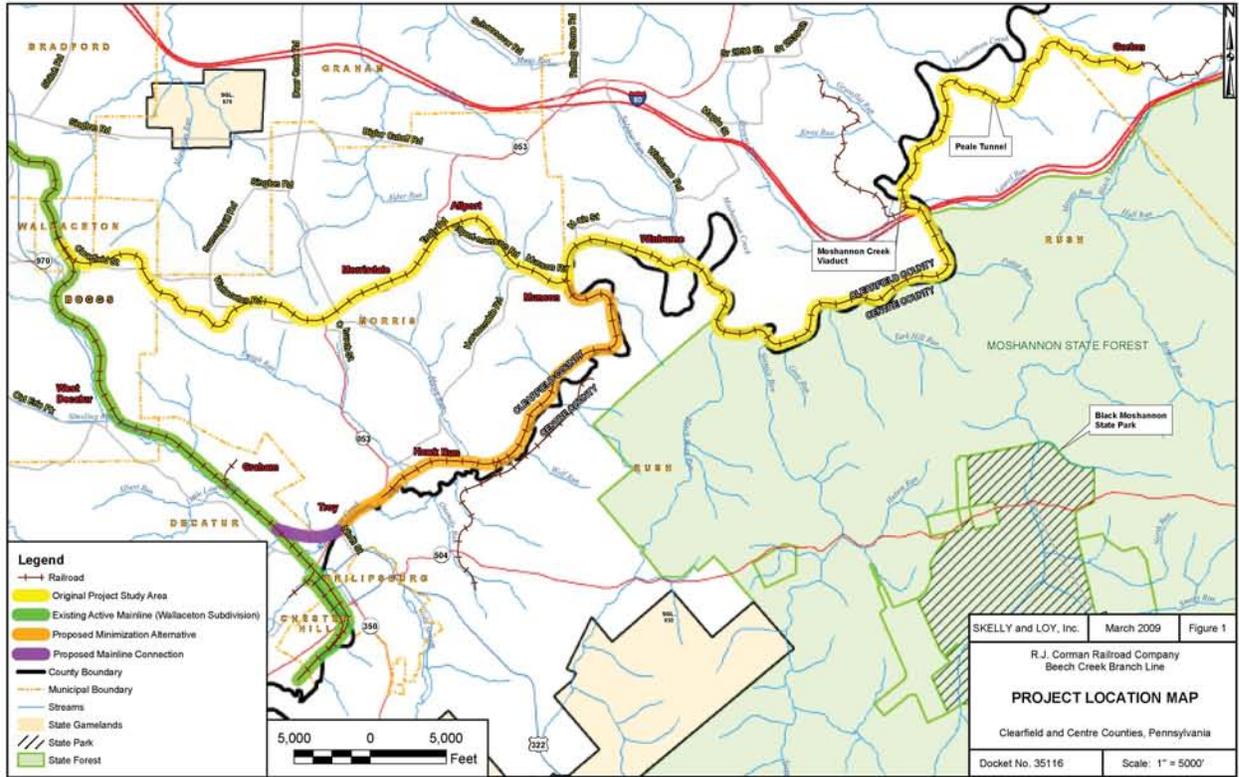
Photograph 1: Corridor of proposed rail reconstruction between Winburne and Gorton (Eastern Segment)



Photograph 2: Corridor of proposed rail reconstruction between Winburne and Gorton (Eastern Segment)

Sincerely,

Victoria Rutson
Chief
Section of Environmental Analysis



Photograph 3: Corridor of proposed rail reconstruction between Philipsburg and Winburne (Western Segment)

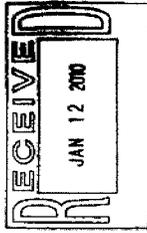


Photograph 4: Corridor of proposed rail reconstruction between Philipsburg and Winburne (Western Segment)



United States Department of the Interior

FISH AND WILDLIFE SERVICE
 Pennsylvania Field Office
 315 South Allen Street, Suite 222
 State College, Pennsylvania 16801-4880



January 8, 2010

Kevin Stamer
 Skelly and Loy, Inc.
 449 Eisenhower Boulevard
 Suite 300
 Harrisburg, PA 17111

RE: USFWS Project #2010-0012

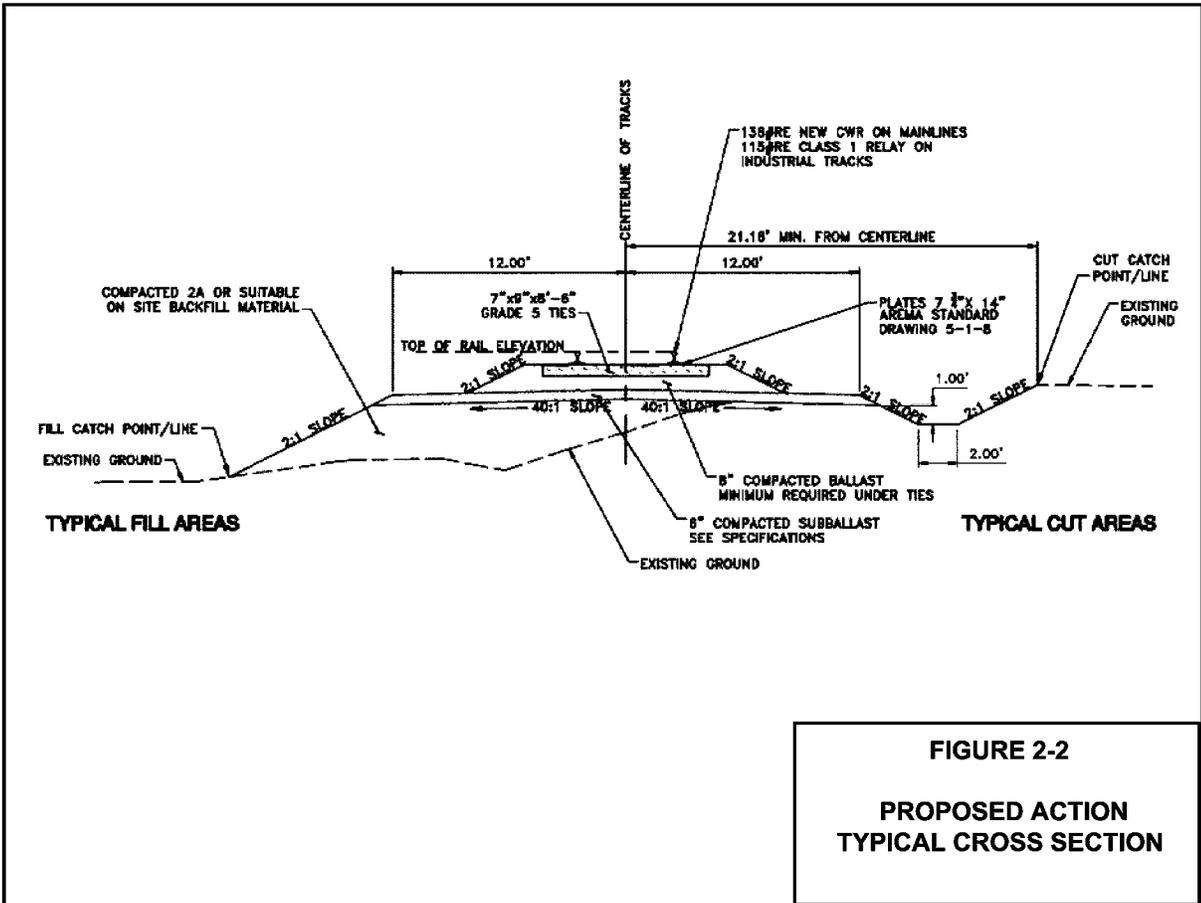
Dear Mr. Stamer:

This is in response to your letter of November 12, 2009, about additional information requested in our letter of October 26, 2009, regarding project impacts to the Indiana bat by the proposed railroad reactivation of the Beech Creek Branch line, or the local road system upgrade alternative should the railroad reactivation be denied, located in Wallaceton/Phillipsburg, and Wyalusing in Clearfield County, Pennsylvania. The project is within the range of the Indiana bat (*Myotis sodalis*), a species that is federally listed as endangered. The following comments are provided pursuant to the Endangered Species Act of 1973 (87 Stat. 883, as amended; 16 U.S.C. 1531 et seq.) to ensure the protection of endangered and threatened species.

You have indicated that approximately 30-40 acres of forest will be impacted during the construction of this project. Therefore, this project is not likely to adversely affect the Indiana bat.

Should project plans change (amount of forest impacts increases), or if additional information on listed or proposed species becomes available, this determination will be reconsidered. This determination is valid for two years from the date of this letter. If the proposed project has not been fully implemented prior to this, an additional review by this office is necessary.

This response relates only to endangered or threatened species under our jurisdiction, based on an office review of the proposed project's location. No field inspection of the project area has been conducted by this office. Consequently, this letter is not to be construed as addressing potential Service concerns under the Fish and Wildlife Coordination Act or other authorities.





SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

October 21, 2009

Mr. Douglas C. McLearen
Bureau for Historic Preservation
Pennsylvania Historical and Museum Commission
Commonwealth Keystone Building, Second Floor
400 North Street
Harrisburg, Pennsylvania 17120-0093

Re: STB Finance Docket No. 35116, R.J. Corman Railroad Company/Pennsylvania Lines, Inc.—Construction and Operation Exemption—in Clearfield County, PA; PHMC ER No. 2008-1481-042 Beech Creek Railroad Reactivation Project

Dear Mr. McLearen:

The Surface Transportation Board requests a finding of No Adverse Effect for the above referenced project's preferred alternative. If approved, the proposed project would put rails back on existing rail beds along the preferred alternative which begins at a connection with the existing railroad, operated by R.J. Corman Railroad Company, at or near Wallace-ton/Philipsburg, connects with the Beech Creek Railroad bed in Winburne and continues on to Gorton along the Beech Creek rail bed.

The existing rail bed of both the Philipsburg Industrial Track and the Beech Creek Railroad remains intact. The reactivation project would place rails back on the existing rail bed. The bridges would remain intact; according to a recent inspection, they are able to carry the anticipated loads with only minor repairs. No construction is anticipated outside of the existing cut-and-fill of the existing rail bed. No sidings are planned. As a result, the Surface Transportation Board requests a finding of No Adverse Effect for the railroad reactivation.

We request your response by November 21, 2009 so that we can incorporate your response into the Draft EIS, as appropriate. Please send your comments to:

Mr. Kevin Starnier
Skelly and Loy, Inc.
449 Eisenhower Boulevard, Suite 300
Harrisburg, PA 17111

To avoid potential delays in reviewing your project, please use the above-referenced USFWS project tracking number in any future correspondence regarding this project.

If you have any questions regarding this matter, please contact Pamela Shellenberger of my staff at 814-234-4090.

Sincerely,

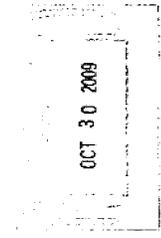
Eric Schirading
Acting Supervisor

If you have any questions, please contact Kevin Starnier, Project Manager for Skelly and Loy, at 717-232-0593, or Danielle Gosselin, SEA Project Manager, at 202-245-0300. Thank you for your assistance.

Sincerely,

Victoria Rutson
Chief
Section of Environmental Analysis

cc: Jacqueline Melander, Centre County Historical Society



Commonwealth of Pennsylvania
Pennsylvania Historical and Museum Commission
Bureau for Historic Preservation
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120-0093
<http://www.pahmc.state.pa.us>

October 29, 2009

TO EXPEDITE REVIEW USE
SHP REFERENCE NUMBER

Kevin Starnier
Skelly & Loy, Inc.
449 Eisenhower Blvd., Suite 300
Harrisburg, PA 17111

Re: ER 08-1481-042-H
STB Finance Docket No. 35116, R.J. Colman Railroad Company/
Pennsylvania Lines, Inc.-Construction and Operation Exemption in
Clearfield County, PA; Beech Creek Railroad Reactivation Project

Dear Mr. Starnier:

The Bureau for Historic Preservation (the State Historic Preservation Office) has reviewed the above named project in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended in 1980 and 1992, and the regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation as revised in 1999 and 2004. These regulations require consideration of the project's potential effect upon both historic and archaeological resources.

Thank you for supplying additional information of the proposed project. There may be historic buildings/structures/districts/objects eligible for the National Register of Historic Places located in the project area. However, in our opinion, the activity described in your proposal should have no effect on such resources. Should the scope and/or nature of the project activities change, the Bureau for Historic Preservation should be contacted immediately.

If you need further information regarding historic structures please consult with Susan Zacher at (717) 783-9920.

Sincerely,

Douglas C. McLearen, Chief
Division of Archaeology &
Protection

DCM/snz

Pennsylvania Historical & Museum Commission
Bureau for Historic Preservation
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120-0093

449 Eisenhower Boulevard, Suite 300
 Harrisburg, PA 17111-2202
 E-mail: skellyloy@skellyloy.com
 Internet: www.skellyloy.com



Phone: 717-232-0593
 800-692-8552
 Fax: 717-232-1799

December 4, 2009

Ms. Rebecca H. Bowen
 Environmental Review Specialist
 Pennsylvania Department of
 Conservation and Natural Resources
 Bureau of Forestry
 Pennsylvania Natural Diversity Inventory
 Post Office Box 8552
 Harrisburg, Pennsylvania 17105-8552

Re: Threatened and Endangered Species Field Survey Report, RJ Corman Railroad Co., Proposed Beech Creek Branch Line Construction and Operation between Watlacocton and Gorton, Pennsylvania
 PER No. 19648, 020163, and 20406

Dear Ms. Bowen:

Skelly and Loy, Inc. has been retained by the RJ Corman Railroad Co. to assist with the threatened and endangered species coordination for the referenced development project. The initial PNDI coordination response letter, dated June 6, 2008, listed the following six potential species that occur in the vicinity of this project area.

- Branching Burreed (*Sparganium androcladum*), current status PA endangered, known to inhabit wet meadows, swales, streambanks, and shallow water
- Allegheny Plum (*Prunus alleghaniensis*) currently not protected but proposed as a PA threatened species and it is found on rocky bluffs, shale barrens, roadsides, and floodplains
- Pinkweed or Carey's Smartweed (*Polygonum careyi*), current status PA endangered, known to inhabit sandy, open woodlands and disturbed places, particularly after fire
- Mountain Starwort (*Stellaria borealis*) currently not protected but proposed as tentatively undetermined and is found on springy wooded slopes, sphagnum swamps, and streams
- Creeping Snowberry (*Gaultheria hispida*), PA rare and found in wet woods and bogs

Ms. Rebecca H. Bowen
 Page 2
 December 4, 2009

- Mountain Fly Honey-suckle (*Lonicera villosa*), PA endangered found in bogs, swamps, and wet thickets

A field survey was conducted during the 2008 growing season by Skelly and Loy's botanist, and potential habitat was noted and a field report was sent to your office on November 12, 2008. In accordance with your letter dated December 2, 2008, and subsequent update letters (dated June 8, 2009, and October 23, 2009), a field report for the 2009 survey season with field forms and other supporting information are included in this submission.

The 2009 field surveys were on June 16, July 7, July 14, July 23, and September 16, 2009. Additionally, all wetland habitats were screened during the delineation and revisited during the threatened/endangered survey dates. As in 2008, this field work was supplemented by aerial map and soil survey office review. The field survey and office review identified that there are several habitats along the approximate 20-mile existing right-of-way. The main study area is the old railroad's existing right-of-way that is predominately "roadside" habitat consisting of the rail bed base of stone, gravel, or dirt surrounded on each side by herbaceous old field with areas of shrubs and small tree growth intermixed. There are several waterway crossings and a few wetlands in the right-of-way. A majority of these old rail lines are maintained for active ATV use, so the woody vegetation is controlled and not allowed to succeed to full height; therefore, the study area is disturbed on a regular basis. Additionally, the right-of-way has other vegetative habitats and developed areas adjacent to the existing rail line. These include residential/commercial areas; road crossings; active and old non-reclaimed mined areas; some reclaimed mine areas; old fields; mixed shrub areas; deciduous, coniferous, or mixed forest areas; streams; and wetlands. However, none of the areas outside of the existing right-of-way will be impacted by the railroad line construction. They are just noted for general area description.

A review of the habitat adjacent to the local road system upgrade alternative was conducted on September 16, 2009, to identify areas of potential habitat for the six listed species. There is habitat that will need to be surveyed in 2010 for the six species if this alternative is carried forward. No plant surveys were conducted this year. There is an area found along Gorton Road that did have a few young fruit trees that resemble the Allegheny plum. This area will be revisited in the flowering/fruiting season in 2010 to confirm the plant identification.

The 2009 field survey concluded that some areas of potential habitat are present in the right-of-way, adjacent to the right-of-way, and/or in the immediate vicinity of the project area for all six species. The following lists the conclusion for each species.

- Branching Burreed - There is potential habitat in the form of wetlands, swales, and streams throughout the project area. Several wetlands had a Sparganium species present in them; however, positive identification was not made this year. A specimen was collected for office identification twice this season, but the best time to make the office identification was missed for both the flowering and fruiting period. It was too early for the flowers to be fully developed and then the fruit sample collected was not in good shape due to the time of year, it was too late to

Ms. Rebecca H. Bowen
Page 4
December 4, 2009

The field survey concluded that there is general habitat for each plant present, either in or adjacent to the project area. However, any habitat within the right-of-way where the work will be conducted has been disturbed in the past and is disturbed presently due to ATV traffic and vegetation control along the rail line in these areas. There was one spot where a few very young shrubs that may be Allegheny plum (need to get flower and/or fruit) and still the unknown Sparganium species of which we were unable to get a good sample to office-identify. Both plant locations will be revisited in 2010 field season to make a positive identification. There will be some minor impact to the habitat of the Sparganium plants due to drainage work or clearing vegetation adjacent to the rail line and potential direct impact to the Sparganium only in the area near the Laurel Run, new section where the proposed line crosses the big wetland/stream complex near Route 322 in Phillipsburg to connect with the existing rail line. The potential plum would be directly impacted due to the local road system upgrade alternative near Gorton.

The 2009 field season work to be completed includes confirmation of the plum and burreed species; recheck of impacted areas preferred habitat for the burreed, pinkweed, and plum, and survey for the listed plants with focus on the mountain fly honeysuckle and burreed in the area the owner did not allow this season. Any species found will be reported to your office. If impact will occur to any of the listed plants, your office will be contacted to develop mitigation measures. Enclosed are the field forms for each species, maps that further show defined habitat for the pinkweed and Allegheny plum, and photographs that represent the general habitats for the different species. The wetland habitats are not shown on a map since they are scattered along the corridor and most are very small; therefore, showing them on an USGS-sized map would not be clear. We will gladly schedule a field view of the project area at your convenience if that would help you in your review.

Thank you in advance for your attention to this matter. We look forward to receiving your reply at your earliest convenience since the DEIS will be produced in early 2010. Please call me if you have any questions regarding this matter or if you would like to set up a field view of the project area.

Sincerely yours,
SKELLY and LOY, Inc.

Karen M. Johnston
Botanist

Enclosures
cc: Kevin Starnor
Tom Johnston
R08-0101.000.2
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Ms. Rebecca H. Bowen
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December 4, 2009

make a positive identification. These wetlands are recommended to be revisited next field season to confirm the species of Sparganium. Placement of protective fence and use of erosion and sedimentation (E&S) controls in these areas will reduce impact to the majority of the wetlands and any listed Sparganium population. If the listed species is confirmed, your office will be contacted and if the area is impacted, mitigation measures will be developed with your office.

Allegheny Plum – There are areas of rocky bluffs, mostly to the eastern end of the project area, plus roadside and floodplain habitat the length of the project area and also along the road upgrade alternative. The field survey did not locate any Allegheny Plum along the existing railroad alternatives; therefore, no impact to this species is anticipated from the construction of this rail line. Some areas of habitat may be disturbed during construction but no actual plant impacts. There was the one potential location along Gorton Road that would be impacted if this alternative is constructed; therefore, if this alternative goes forward, confirmation of the fruit species will be made in 2010, and coordination with your office will occur if it is that species and to develop mitigation measures.

Pinkweed – The old railroad bed edges and road upgrade system alternative within the right-of-way do match a disturbed area habitat; not from fire but from mowing and herbicide application and ATV traffic. Therefore, the general habitat for this plant is present and will be impacted during construction, but no individual plants of this species were found along the project area. The few Polygonum species found were associated with the wetlands and stream edges (see plant list for species) as well as one area of Pink Lady's Thumb (*Polygonum persicaria*) found near the viaduct over Moshannon Creek by the I-80 bridge. No areas of "woodlands" will be disturbed, just the woody species in the mixed old-field areas along the railroad bed in the right-of-way. Therefore, no impact to this species will occur from the construction of this project.

The 2009 survey determined that while there may be habitat for the other three species, Mountain Starwort, Creeping Snowberry, and Mountain Fly Honeysuckle, no plants were found during this survey season; therefore, no impact is anticipated to occur due to the rail line reconstruction. This supports the conclusions noted in your December 2008 letter on these three species. There is one area (length is about 2,000 feet) on which we did not get to do a close inspection because the property owner denied access. From review of the aerials and what we can see from the road, there may be potential habitat for the honeysuckle species present. However, we observed it several times during flowering and fruiting period and did not notice shrubs that had flowers or fruits like the mountain fly honeysuckle, so we still anticipate no impact. We could not determine if any burreed were along this area due to dense shrub cover, so we cannot assume that it is not present this season. We hope to survey this area in 2010 if allowed and if there are any listed plants found to be present, your office will be notified.

**EXISTING VEGETATIVE COMMUNITIES
BASED ON 2008 AND 2009 FIELD SURVEYS**

The main study area is the old railroad's existing right-of-way that is predominantly "roadside" habitat consisting of the rail bed base of stone, gravel, or dirt surrounded on each side by herbaceous old field with areas of shrubs and small tree growth intermixed. There are several waterway crossings and a few wetlands in the right-of-way. Since a majority of these rail right-of-ways are maintained for active ATV use, the woody vegetation is controlled and not allowed to succeed to full natural size; therefore, the study area is disturbed on a regular basis. Additionally, adjacent to the right-of-way are residential/commercial areas; road crossings; active and old non-reclaimed mined areas; some reclaimed mine areas; old fields; mixed shrub areas; deciduous, coniferous, or mixed forest areas; streams; and wetlands. Following is a composite list of dominant vegetation found in the main habitat types within and/or adjacent to the proposed rail reconstruction area.

Forest Communities

The majority of the forested area is in different deciduous species composition, and there are also areas of conifer dominant forest as well as mixed forest communities along the study corridor. The understory has some areas with denser shrub and young trees, others with denser herbaceous growth, and other areas with a more open understory. The composite list of species observed in the forest areas includes the following.

Tree Species

- Striped Maple (*Acer pensylvanicum*)
- Red Maple (*Acer rubrum*)
- Yellow Birch (*Betula alleghaniensis*)
- Sweet or Black Birch (*Betula lenta*)
- Grey Birch (*Betula populifolia*)
- Hickory Species (*Carya* sp.)
- Shagbark Hickory (*Carya ovata*)
- Ash Species (*Fraxinus* sp.)
- White Ash (*Fraxinus americana*)
- Tulipree (*Liriodendron tulipifera*)
- Austrian Pine (*Pinus nigra*)
- Red Pine (*Pinus resinosa*)
- White Pine (*Pinus strobus*)
- Bigtooth Aspen (*Populus grandidentata*)
- Quaking Aspen (*Populus tremuloides*)
- Black Cherry (*Prunus serotina*)
- White Oak (*Quercus alba*)
- Red Oak (*Quercus rubra*)
- Black Oak (*Quercus velutina*)
- Sassafras (*Sassafras albidum*)
- Eastern Hemlock (*Tsuga canadensis*)
- Elm Species (*Ulmus* sp.)

Shrub and Woody Vine Species

- American Hornbeam or Musciewood (*Carpinus caroliniana*)
- Silky Dogwood (*Cornus amomum*)
- Hawthorn Species (*Crataegus* sp.)
- Witchhazel (*Hamamelis virginiana*)
- Ninebark (*Physocarpus opulifolius*)
- Rosebay Rhododendron (*Rhododendron maximum*)
- Winged Sumac (*Rhus copallina*)
- Multiflora Rose (*Rosa multiflora*)
- Blackberry Species (*Rubus* sp.)
- Common Greenbriar (*Smilax rotundifolia*)
- Early Lowbush Blueberry (*Vaccinium angustifolium*)
- Hobblebush (*Viburnum lantanoides*)

Herbaceous Species

- Aster Species (*Aster* sp.)
- Sedge Species (*Carex* sp.)
- Enchanter's Nightshade (*Circaea luteoliana*)
- Hayscent Fern (*Dennstaedtia punctilobula*)
- Wild Geranium (*Geranium maculatum*)
- Touch-Me-Not Species (*Impatiens* sp.)
- Common Woodrush (*Luzula echinata*)
- Canada Mayflower (*Maianthemum canadense*)
- Partridgeberry (*Mitchella repens*)
- True Moss Species (*Musci* sp.)
- Cinnamon Fern (*Osmunda cinnamomea*)
- Interrupted Fern (*Osmunda claytoniana*)
- Mayapple (*Podophyllum peltatum*)
- Bracken Fern (*Pteridium aquilinum*)
- Prickly or Northern Dewberry (*Rubus flagellaris*)
- Tall Goldenrod (*Solidago altissima*)
- Chickweed or Stitchwort Species (*Stellaria* sp.)
- Fern Species (*Thelypteris* sp.)

Old Field and Roadside Edge Communities

The railroad right-of-way is composed mostly of herbaceous old field habitat with some areas of denser shrub or mixed old field habitat types. These areas are also found along any roadways that the project crosses. One larger herbaceous old field with scattered areas of shrub-scrub pockets is along the Laurel Run new connector line and is a reclaimed area. There are tree species present but most are sapling or pole stage with a few scattered mature individuals, but not dense enough to be considered a forest habitat. The composite list of species observed in the old field areas includes the following.

Tree Species

- Red Maple (*Acer rubrum*)

Sweet or Black Birch (*Betula lenta*)
 Hickory Species (*Carya* sp.)
 Ash Species (*Fraxinus* sp.)
 Austrian Pine (*Pinus nigra*)
 Red Pine (*Pinus resinosa*)
 White Pine (*Pinus strobus*)
 Bigtooth Aspen (*Populus grandidentata*)
 Quaking Aspen (*Populus tremuloides*)
 Black Cherry (*Prunus serotina*)
 White Oak (*Quercus alba*)
 Red Oak (*Quercus rubra*)
 Black Oak (*Quercus velutina*)
 Black Locust (*Robinia pseudoacacia*)
Shrub and Woody Vine Species
 Japanese Barberry (*Berberis thunbergii*)
 Hawthorn Species (*Crataegus* sp.)
 Autumn Olive (*Elaeagnus umbellata*)
 Amur Honeysuckle (*Lonicera maackii*)
 Tatarian Honeysuckle (*Lonicera tatarica*)
 Crabapple Species (*Malus* sp.)
 Ninebark (*Physocarpus opulifolius*)
 Winged Sumac (*Rhus copallina*)
 Staghorn Sumac (*Rhus typhina*)
 Multiflora Rose (*Rosa multiflora*)
 Blackberry Species (*Rubus* sp.)
 Black Raspberry (*Rubus occidentalis*)
 Meadowsweet (*Spiraea latifolia*)
 Steeplebush (*Spiraea tomentosa*)
Herbaceous Species
 Yarrow (*Achillea millefolium*)
 Common Milkweed (*Asclepias syriaca*)
 Thimbleweed (*Anemone virginiana*)
 Aster Species (*Aster* sp.)
 Broomsedge (*Andropogon virginicus*)
 Sweet Vernal Grass (*Anthoxanthum odoratum*)
 Wild Columbine (*Aquilegia canadensis*)
 Mugwort (*Artemisia vulgaris*)
 Japanese Bromegrass (*Bromus japonicus*)
 Spotted Knapweed (*Centaurea maculosa*)
 Oxe-eye Daisy (*Chrysanthemum leucanthemum*)
 Crownvetch (*Coronilla varia*)
 Queen Anne's Lace (*Daucus carota*)
 Hayscent Fern (*Dennstaedtia punctilobula*)
 Deepford Pink (*Dianthus armeria*)
 Horsetail Species (*Equisetum* sp.)
 Daisy Fleabane (*Erigeron annuus*)

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Trumpetweed (*Eupatorium fistulosum*)
 White Snakeroot (*Eupatorium rugosum*)
 Lance-Leaved Goldenrod (*Euthamia graminifolia*)
 Fescue Grass Species (*Festuca* sp.)
 Orange Hawkweed (*Hieracium aurantiacum*)
 Common Hawkweed (*Hieracium vulgatum*)
 Soft Rush (*Juncus effusus*)
 Turk's-Cap Lily (*Lilium superbum*)
 White Sweet Clover (*Melilotus alba*)
 Japanese Siltgrass (*Microstegium vimineum*)
 True Moss Species (*Muscis* sp.)
 Sensitive Fern (*Onoclea sensibilis*)
 Panicgrass Species (*Panicum* sp.)
 Deertongue Grass (*Panicum clandestinum*)
 Timothy (*Phleum pratense*)
 Bluegrass Species (*Poa* sp.)
 Pink Lady's Thumb (*Polygonum persicaria*)
 Common Cinqufoil (*Potentilla canadensis*)
 Bracken Fern (*Pteridium aquilinum*)
 Buttercup Species (*Ranunculus* sp.)
 Yellow Foxtail (*Setaria pumila*)
 Green Foxtail (*Setaria viridis*)
 Goldenrod Species (*Solidago* sp.)
 Lesser Stitchwort (*Stellaria graminea*)
 Fern Species (*Thelypteris* sp.)
 Yellow Goatsbeard (*Tragopogon pratensis*)
 Low Hop Clover (*Trifolium campestre*)
 Collisfoot (*Tussilago farfara*)
 Common Mullein (*Verbascum thapsus*)

Wetland Watercourse Communities

The majority of the wetland systems are palustrine emergent (PEM) wetlands, but there are also palustrine forested (PFO) and palustrine scrub-shrub (PSS) wetlands. Areas of seeps and vegetated edges of watercourses are also present and are included in the following composite vegetation list.

Tree Species

Red Maple (*Acer rubrum*)
 Hickory Species (*Carya* sp.)
 Shagbark Hickory (*Carya ovata*)
 Tamarack or Eastern Larch (*Larix laricina*)
 White Pine (*Pinus strobus*)
 Scots Pine (*Pinus sylvestris*)
 Quaking Aspen (*Populus tremuloides*)
 Black Cherry (*Prunus serotina*)
 White Oak (*Quercus alba*)
 Red Oak (*Quercus rubra*)

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- Swamp White Oak (*Quercus bicolor*)
 Black Locust (*Robinia pseudoacacia*)
 Shrub and Woody Vine Species
 Speckled Alder (*Alnus incana*)
 Smooth Alder (*Alnus serrulata*)
 Japanese Barberry (*Berberis thunbergii*)
 American Hornbeam or Musclewood (*Carpinus caroliniana*)
 Bultonbush (*Cephalanthus occidentalis*)
 Silky Dogwood (*Cornus amomum*)
 Red-Osier Dogwood (*Cornus sericea*)
 Winterberry (*Ilex verticillata*)
 Spicebush (*Lindera benzoin*)
 Morrow's Honeysuckle (*Lonicera morrowii*)
 Ninebark (*Physocarpus opulifolius*)
 Staghorn Sumac (*Rhus typhina*)
 Multiflora Rose (*Rosa multiflora*)
 Blackberry Species (*Rubus* sp.)
 Black Raspberry (*Rubus occidentalis*)
 Willow Species (*Salix* sp.)
 Crack Willow (*Salix fragilis*)
 Black Willow (*Salix nigra*)
 Silky Willow (*Salix sericea*)
 Elderberry (*Sambucus canadensis*)
 Meadowsweet (*Spiraea latifolia*)
 Steeplebush (*Spiraea tomentosa*)
 Northern Arrowwood (*Viburnum recognitum*)
 Herbaceous Species
 Small Water-Plantain (*Alisma subcordatum*)
 Pearly Everlasting (*Anaphalis margaritacea*)
 Indian Hemp (*Apocynum cannabinum*)
 Burdock (*Arcium minus*)
 Mugwort (*Artemisia vulgaris*)
 Swamp Milkweed (*Asclepias incarnata*)
 Aster Species (*Aster* sp.)
 Flat-Topped White Aster (*Aster umbellatus*)
 Yellow Bartonia (*Bartonia virginica*)
 Beggar Ticks (*Bidens frondosa*)
 Hedge Bindweed (*Calyptegia sepium*)
 Sedge Species (*Carex* sp.)
 Fringed Sedge (*Carex crinata*)
 Bladder Sedge (*Carex intumescens*)
 Lurid Sedge (*Carex lurida*)
 Pointed Broomsedge (*Carex scoparia*)
 Awi-Fruited Sedge (*Carex stipitata*)
 Tussock Sedge (*Carex stricta*)
 Blunt Broomsedge (*Carex tribuloides*)
 Fox Sedge (*Carex vulpinoidea*)
 Water-Hemlock (*Cicuta bulbifera*)
 Virgin's Bower (*Clematis virginiana*)
 Queen Anne's Lace (*Daucus carota*)
 Three-Way Sedge (*Dulichium arundinaceum*)
 Blunt Spikerush (*Eleocharis obtusa*)
 Trumpetweed (*Eupatorium fistulosum*)
 Boneset (*Eupatorium perfoliatum*)
 White Snakeroot (*Eupatorium rugosum*)
 Lance-Leaved Goldenrod (*Euthamia graminifolia*)
 Cleavers (*Galium aparine*)
 Marsh Bedstraw (*Galium palustre*)
 Mannagrass Species (*Glyceria* sp.)
 Rattlesnake Mannagrass (*Glyceria canadensis*)
 Fowl Mannagrass (*Glyceria striata*)
 St. Johnswort Species (*Hypericum* sp.)
 Spotted Touch-Me-Not Species (*Impatiens campensis*)
 Sharp-Fruited Rush (*Juncus acuminatus*)
 Soft Rush (*Juncus effusus*)
 Path Rush (*Juncus tenuis*)
 Duckweed Species (*Lemna* sp.)
 Northern Bugleweed (*Lycopus uniflorus*)
 Whorled Loosestrife (*Lysimachia nummularia*)
 Swamp Candles (*Lysimachia quadrifolia*)
 Monkey Flower (*Mimulus ringens*)
 Spatterdock (*Nuphar lutea*)
 Sundrops (*Oenothera fruticosa*)
 Sensitive Fern (*Onoclea sensibilis*)
 Cinnamon Fern (*Osmunda cinnamomea*)
 Interrupted Fern (*Osmunda claytoniana*)
 Deertongue Grass (*Panicum clandestinum*)
 Reed Canary Grass (*Phalaris arundinacea*)
 Phragmites (*Phragmites australis*)
 Bluegrass Species (*Poa* sp.)
 Japanese Knotweed (*Polygonum cuspidatum*)
 Common Smartweed (*Polygonum hydropiper*)
 Mid Waterpepper (*Polygonum hydroperoides*)
 Arrow-Leaved Teardumb (*Polygonum sagittatum*)
 Bracken Fern (*Pteridium aquilinum*)
 Tail Buttercup (*Ranunculus acris*)
 Swamp Dewberry (*Rubus hispida*)
 Common Arrowhead (*Sagittaria latifolia*)
 Dark Green Bultush (*Scirpus atrovirens*)
 Woolgrass (*Scirpus cyperinus*)
 Goldenrod Species (*Solidago* sp.)
 Late Goldenrod (*Solidago macrophylla*)
 Rough-Stemmed Goldenrod (*Solidago rugosa*)
 Burreed Species (*Sparganium* sp.)
 Sphagnum Moss Species (*Sphagnum* sp.)



BUREAU OF FORESTRY

February 4, 2010
 Kevin Stamer
 Skelly and Loy, Inc.
 Fax: 717-232-1799

PNDI Numbers: 20406, 19648, and 20163

Re: RJ Corran Railroad Co., Proposed Beech Creek Branch Line Construction and Operation between Wallacetown and Gordon, PA
 Various Townships, Clearfield and Centre Counties,

Dear Mr. Stamer,

Thank you for submission of the Pennsylvania Natural Diversity Inventory (PNDI) Environmental Review Receipt Numbers 20406, 19648, and 20163 for review. PA Department of Conservation and Natural Resources screened this project for potential impacts to species and resources of concern under DCNR's responsibility, which includes plants, terrestrial invertebrates, animal communities, and geologic features only.

Our office received the original railroad alternative of this project in April of 2008 and responded in June providing information on species known to be found in the vicinity including *Sporangium androcladum*, *Prunus alleghaniensis*, *Polygonum careyi*, *Stellaria borealis*, *Gaultheria hispida*, and *Lonicera villosa*. A survey was performed by Skelly & Loy for the species listed above on July 16 and September 24, 2008. The results of this survey were received in our office November 12, 2008. Our response to the survey findings was sent on December 2, 2008.

Our office received the new railroad alternative of this project in May of 2009 and responded in June requesting a survey for *Sporangium androcladum*, *Prunus alleghaniensis*, *Polygonum careyi*, *Stellaria borealis*, *Gaultheria hispida* and *Lonicera villosa*. A survey was performed by Skelly & Loy for the species listed above between June and September 2009. The results of the survey were received in our office December 7, 2009. The survey for the railroad alternative did not find any individuals of *Prunus alleghaniensis*, *Polygonum careyi*, *Stellaria borealis*, *Gaultheria hispida*, or *Lonicera villosa* within the area that will be disturbed. The survey found one location of a *Sporangium* species that could not be identified. Thus another field visit in 2010 is required for species identification.

Our office received the local road upgrade alternative in October of 2009 and responded in October providing information on species known to be found in the vicinity of the project including *Prunus alleghaniensis*, and *Polygonum careyi*. A habitat assessment was performed in September 2009 by Skelly and Loy for the six species originally identified in the vicinity of this project. The habitat assessment found habitat that would likely support populations of *Sporangium androcladum*, *Polygonum careyi*, *Stellaria borealis*, *Gaultheria hispida* or *Lonicera villosa*. The assessment also found one area within the road alternative that had a species that could potentially be *Prunus alleghaniensis*.

As per Kevin Stamer's request during our phone conversation on 1-26-2010, the following summarizes DCNR's understanding of the outcome of the investigations, as well as our concerns. This information is to be used for the draft EIS. Further surveys will be performed prior to any permit applications to confirm the identity of the *Sporangium* and *Prunus* species found during the field surveys.

- For the local road upgrade alternative - The habitat assessment determined that there was suitable habitat in the vicinity of the project for all six species. Additional surveys are requested if this alternative is pursued. Specifically individuals in the *Prunus* genus will be revisited in 2010 to confirm their identity to species level.
- For the new railroad alternative - Field surveys performed in 2008 and 2009 helped determine the following:

Sporangium androcladum (Branching Purslane)
 Potential habitat was surveyed, including wetlands, swales and streams. *Sporangium* species were found in several of the wetlands. In the survey report, Skelly & Loy recommend that this wetland be revisited next field season to conserve
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- Skunk Cabbage (*Symplocarum foetidus*)
- Fern Species (*Thelypteris* sp.)
- Poison Ivy (*Toxicodendron radicans*)
- Collisfoot (*Tussilago farfara*)
- Common Cattail (*Typha latifolia*)
- Bladderwort Species (*Utricularia* sp.)
- Cranberry (*Vaccinium macrocarpon*)
- New York Ironweed (*Vernonia noveboracensis*)

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PNDI Number: 20406, 19648, and 20163

confirm the identity of the species. Some disturbance is planned to this species' habitat. Please verify the identity of this *Syrngium* specimen to the species level. Please include botanical field survey forms, maps showing areas surveyed for this species and photos of diagnostic characteristics.

Prunus alleghaniensis (Allegheny Plum)
Potential habitat was identified in the project right of way, however, no individuals of *Prunus alleghaniensis* were found in the railroad alternatives. No impact anticipated to *Prunus alleghaniensis*, for the new railroad alternative.

Polygonum carolinense (Pinkweed)
A few *Polygonum* species were found associated with wetlands and stream edges, but were not identified as *P. carolinense*. In the survey report, Shelly & Loy determined that the *Polygonum* species were not species of special concern. No impact anticipated to *Polygonum carolinense*, for the new railroad alternative.

Stellaria borealis (Mountain Starwort)
A few areas of potential habitat were found in project area, however, no Mountain starwort plants were found in any of those areas. No impact anticipated to *Stellaria borealis*, for the new railroad alternative.

Gaultheria hispida (Creeping Snowberry)
A few areas of potential habitat were found in project area, however, no Creeping Snowberry plants were found in any of those areas. No impact anticipated to *Gaultheria hispida*, for the new railroad alternative.

Lonicera villosa (Mountain Fly Honey-suckle)
A few areas of marginal habitat were found in project area, however, no Mountain fly honey-suckle plants were found in any of those areas. No impact anticipated to *Lonicera villosa*, for the new railroad alternative.

This response represents the most up-to-date summary of the PNDI data files and is valid for one (1) year from the date of this letter. An absence of recorded information does not necessarily imply actual conditions on-site. Should project plans change or additional information on listed or proposed species become available, this determination may be reconsidered.

Should the proposed work continue beyond the period covered by this letter, please re-submit the project to this agency as an "Update" (including an updated PNDI receipt, project narrative and accurate map). If the proposed work has not changed and no additional information concerning listed species is found, the project will be cleared for PNDI requirements under this agency for an additional year.

This finding applies to impacts to DCNR only. To complete your review of state and federally-listed threatened and endangered species and species of special concern, please be sure the U.S. Fish and Wildlife Service, PA Game Commission, and the Pennsylvania Fish and Boat Commission have been contacted regarding this project as directed by the online PNDI ER Tool found at www.naturalheritage.state.pa.us.

Sincerely,



Joy Vandervort-Sneed, Environmental Review Manager FOR Chris Fricostous, Wild Plant Program Mgr.
Ph: 717-705-2822 - F: 717-772-0271 - cjvandervort@state.pa.us

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ET-18032



House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

CAMILLE "BUD" GEORGE, MEMBER
SURFACE TRANSPORTATION BOARD
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WILD RESOURCES CONSERVATION BOARD
RULES COMMITTEE

Jan. 15, 2010

Victoria Rutson, Chief
Section of Environmental Analysis
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

Dear Ms. Rutson:

I was recently made aware of the RJ Corman Railroad Group's submission to the Surface Transportation Board of "voluntary mitigation measures" it would initiate in pursuit of the proposed rail line reconstruction and resumption of operations between Wallaceon and Gorton in Clearfield and Centre counties, Pa. (Finance Docket No. 35116).

Please be advised that this endeavor remains a fishing expedition for scarce tax dollars to support a nebulous, ever-changing landfill unwanted and unneeded by the people of the Centre and Clearfield counties region in Pennsylvania.

As has been pointed out, the landfill cannot proceed without rail access. And, the landfill is no closer to receiving a permit than it was six years ago. The landfill proposal is a for-profit venture from out-of-area developers, Resource Recovery LLC, with a record of comforting their proposal to whatever may curry favor with state and federal officials and regulators. A brief review of previous contortions - including proposals for an interchange off Interstate 80 and a wastewater treatment plant - bears this out.

I represent Morris and Cooper townships in Clearfield County, which would be affected by this latest proposal. Previously, I have represented Rush Township, which would be home to the landfill. I have supported rail infrastructure projects, including those of RJ Corman, and undoubtedly will do so again. However, this proposal has never been valid or worthy of taxpayer support. As chairman of the Pa. House of Representatives' Environmental Resources and Energy Committee, I have opposed - publicly and vociferously - state funding of this project.

As the RJ Corman letter of Nov. 24, 2009, to the STB bears out, the possibility of eminent domain and condemnation proceedings against landowners to obtain a 66-foot right of way is a distinct possibility. I submit this would spark a nasty and costly battle. As I noted in my April 28, 2008, letter to you, resurrection of this rail line would terminate a highly successful rail-to-trails route that has been operating since the mid-1990s.

I have a love-hate relationship with rails-to-trails. Property owners in the region have been whip-sawed through the process, first losing property/access to railroads, then with the ceding of rights to Rails to Trails, and now, potentially, another round of eminent domain proceedings.

Constituents, who graciously did all they could to see the Rails-to-Trails concept advance, frequently were rebuffed when they sought access to biturcated property for things like access and utility relocation. Rails-to-Trails played hardball and tried to force punitive fees for such access. It seems only one side was playing the role of being a cooperative neighbor.

It is not difficult to imagine the hard feelings that would ensue should they now face eminent domain or condemnation proceedings for an undefined and highly doubtful project that is opposed by a sizeable proportion of the local populace and many if not most of the local governments.

Time has not improved the worthiness of the proposals submitted by Resource Recovery LLC. It is a ruse of the first degree for anyone to suggest that a resurrection of this rail line is being sought for anything but advancement of an unwanted and unneeded landfill. The last time I checked, Pennsylvania -- the largest importer of out-of-state garbage in the nation -- had enough landfill capacity to last for more than 10 years.

Thank you for your consideration.

Sincerely,

Camille "Bud" George
STATE REPRESENTATIVE

CG/mjm
CC: U.S. Sen. Robert Casey
U.S. Sen. Arlen Specter
Nancy Sutley, Council on Environmental Quality
People Protecting Communities

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